

REASONABLE DISAGREEMENT

A Theory of Political Morality

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Introduction

Talk of reasonable disagreement is a staple of political discourse. We often hear that a political issue admits of reasonable disagreement or is one about which reasonable people can disagree. But there has been little philosophical discussion of reasonable disagreement, and it is not clear how the phenomenon is to be understood.¹ Wherever we find political disagreement, the parties will typically be prepared to offer reasons for the positions they take. The different positions will, in this sense, be reasoned. But to assert that disagreement in a particular case is reasonable is to do more than acknowledge that the parties have reasons for the positions they take. It is to imply that at least two of the opposing positions could be supported by reasoning that is fully competent.

In many contexts, competent reasoning within a group can be expected to produce a convergence of opinion. When the exchange of arguments is carried out in good faith, it eliminates mistakes in reasoning, and we usually suppose that if everyone's reasoning has been purged of mistakes, there will be agreement. To offer and receive arguments in good faith is to respond only to the force of reason, ignoring the possibility that the options being considered will impinge positively or negatively on one's personal interests or the interests of a group with which one is affiliated. If there is to be such a thing as reasonable disagreement, however, it must sometimes be the case that competent reasoning within a group fails to produce a convergence of opinion.

¹ Charles Larmore discusses reasonable disagreement in "Pluralism and Reasonable Disagreement," in his *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), pp. 152–174. Larmore argues that reasonable disagreement, not pluralism, is the defining feature of a liberal society. He says, "The insight that has proven so significant for liberal thought is that reasonableness has ceased to seem a guarantee of ultimate agreement about deep questions concerning how we should live" (p. 168). On the view I shall propose, there is nothing peculiarly modern about reasonable disagreement, although it may be true that the possibility of reasonable disagreement has only recently been recognized.

Reasonable disagreement is disagreement that survives the best efforts of a group of reasoners to answer a particular question – that is, to find a unique answer that is required by reason. In political contexts, the question will concern how some aspect of political cooperation ought to be organized. In describing what he calls communicative action, “action oriented to reaching an understanding,” Jürgen Habermas asserts that it proceeds on the assumption that agreement can be reached if discussion is carried on openly enough and continued long enough.² But when disagreement is reasonable, it will persist no matter how open discussion is or how long it continues. “Discussion,” here, means the collective examination of the force of a given body of rational considerations. The considerations available to the group are such that no matter how competently they are examined, or for how long, agreement will not be produced. So understood, reasonable disagreement with respect to a particular issue need not be a permanent condition. Disagreement which has been reasonable may cease to possess this character if new considerations capable of guiding all competent reasoners to a definite conclusion become available. In general, disagreement among competent reasoners is marked by a continual search for considerations that will have this effect. Sometimes, however, the effort fails.

The principal challenge we face in providing an account of reasonable disagreement in politics is capturing both aspects of the phenomenon, the reasonableness and the disagreement. We usually suppose that competently reasoned views will agree, so part of what is involved in meeting the challenge is explaining why this need not always be the case. But in addition, the parties to political disputes often view at least some of those with whom they disagree as seriously mistaken about the appropriate way of organizing political cooperation. An adequate account of reasonable disagreement in politics must preserve this feature. It must explain not only how reasonable people can reach different conclusions, but also how they can fail to recognize other reasonable conclusions as reasonable.

This book connects with three main discussions in philosophy. In the first place, there has been much discussion in political philosophy of deliberative democracy. As has been mentioned, reasonable disagreement in politics can be understood as disagreement that survives, or would survive, shared deliberation conducted in good faith over an extended period of time. Thus if we accept the existence of reasonable political disagreement, we must acknowledge that there is more to political decision-

² Jürgen Habermas, *The Theory of Communicative Action*, vol. I, trans. Thomas McCarthy (Boston: Beacon, 1984), p. 42.

making, even under ideal conditions, than shared deliberation. This is not particularly controversial. Most deliberative democrats would be prepared to give a role to voting, for example. But I believe that a stronger claim is warranted. Consideration of the way political disagreement evolves over time makes it plausible that shared deliberation is not the sole engine of reasonable opinion formation in politics.

Second, reasonable political disagreement, as I understand it, has an important moral element. It is, in the first instance, disagreement about issues of political morality. An account of reasonable political disagreement must, then, explain how people reasoning competently about moral questions can nevertheless fail to agree. This requires an excursion into meta-ethics, the branch of philosophy that studies whether there is a legitimate place for truth and knowledge in connection with moral judgments. The two most familiar positions are realist and anti-realist. Realists suppose that we confront a domain of moral facts, and that moral judgments are true if they correctly represent these facts. Similarly, we have moral knowledge if we are justified in making moral judgments that are true. Anti-realists deny that moral judgments play a fact-stating role. I argue that neither view can provide an adequate account of reasonable moral disagreement. I thus develop an intermediate position that I call moral nominalism. I use it to explain how judgments of political morality that are competently reasoned can nevertheless disagree, but I believe that it has some appeal as a general meta-ethical position.

Third, the book makes contact with important issues in the philosophy of history. On the nominalist view that I propose, moral judgments employ socially available normative and evaluative concepts to construct moral worlds. But the available concepts of political morality vary somewhat from place to place, and they were also different in the past than they are today. A number of philosophical theories provide for the evolution of moral concepts. But some regard the moral thinking of past periods, and perhaps the present period as well, as determined by contingent social forces. The moral nominalism that I propose is different. It views the evolution of moral and political concepts as normatively guided. What evolves is the zone of reasonable disagreement, the set of positions that competent reasoners can hold. This means that the requirements of morality – the genuine requirements – were different in the past than they are now.

These themes are explored in six chapters. [Chapter 1](#) begins with a discussion of reasonable disagreement about matters of empirical fact. It then proceeds to the political case. On the view of reasonable disagreement in politics that I present, the concept of reasonableness is employed in two

different ways. Reasonable disagreement is disagreement about the pattern of concessions that ought to characterize political cooperation, and the reasonableness of the different positions is manifested in two different ways. The positions display a willingness to make concessions, and it is possible to support the positions with competent reasoning. I believe that these two senses of reasonableness also underlie T. M. Scanlon's proposal that moral wrongness can be understood as the violation of a rule that no one can reasonably reject.³ Scanlon's formula gives us a way of describing reasonable disagreement in politics. Where there is reasonable disagreement about how political cooperation morally ought to be organized, every proposal can be reasonably rejected by somebody.

Chapter 2 develops the theory of moral nominalism. As I understand it, the role of reason in politics is not limited to establishing efficient or effective means to the satisfaction of desires that people simply happen to have. Reason can criticize desires and establish ends. It can, as I put it, set targets. Given this, providing an account of reasonable disagreement involves developing a meta-ethics capable of explaining how competent reasoning about ultimate ends can fail to produce agreement. As I have said, the moral nominalism that I propose steers a middle course between anti-realist views according to which ends are set by desires that are, ultimately, beyond rational criticism, and realist views that posit mind-independent moral facts to which competent reasoners can gain epistemic access. In describing his own nominalism, Nelson Goodman speaks of "worldmaking," and according to the moral nominalism that I shall propose, in making moral judgments, we make the moral worlds we live in.⁴ We can distinguish between moral judgments that are competently made and moral judgments that are incompetently made, but competent judgments will sometimes disagree.

Having developed, in chapter 2, a meta-ethical theory capable of providing for reasonable moral disagreement, I proceed in chapter 3 to examine agreement and disagreement in politics. The members of a particular political society, or polity, will typically have available a set of normative and evaluative concepts that can be employed to express claims, or more broadly, to advance reasons for or against particular ways of organizing political cooperation. Reasonable disagreement within a polity can be grounded in the fact that different people draw on different subsets of these concepts in making political judgments, in the fact that they interpret

³ T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), p. 153.

⁴ Nelson Goodman, *Ways of Worldmaking* (Indianapolis: Hackett, 1978), esp. ch. 1.

the resulting reasons differently, or in the fact that they resolve in different ways conflicts among these reasons.

Reasonable disagreement survives open debate carried out over a long period of time. There are, however, other ways of resolving political disagreements, of settling on a way of organizing political cooperation when the members of a polity reasonably disagree. These are explored in [chapter 4](#). One important point is that where we find reasonable disagreement about how some aspect of political cooperation ought to be organized, people will often have opportunities to act unilaterally on the judgments of political morality that they regard as correct. These actions can, in turn, create a social environment in which other people feel compelled, as competent reasoners, to modify their moral concepts. The ultimate result may be the resolution of disagreement by a force that is not the force of the better argument. Yet this outcome is not merely caused. The conceptual changes come about because people find that their former judgments no longer make sense in the evolving social situation.

Different communities can operate with different moral concepts. [Chapter 5](#) discusses the implications of this fact. Traditionally, moral relativism holds that what is morally right in a particular community is relative to the social norms in place there. Moral nominalism does not have this consequence, but it does have a related one. No one can actually employ in moral reasoning all of the normative and evaluative concepts associated with the various cultures of the world. Each person operates with a subset. As has been noted, this can be a source of reasonable disagreement within a given polity. But the phenomenon is more pronounced when the parties to a disagreement are members of different polities, and especially when their concepts are provided by different cultural traditions. Thus on the view I am proposing, the differences in moral judgment that some writers regard as supporting moral relativism are instead explained as manifestations of a particularly deep form of reasonable disagreement.

I call the alternative to relativism that I sketch in [chapter 5](#) “localism.” The [final chapter](#) discusses its historical implications. Just as the people comprising different contemporary polities can reasonably reach different conclusions about how political cooperation should be structured, so can people living at earlier and later times. Given moral nominalism, this means that earlier people lived in a different moral world. Moral nominalism can make a place for a few requirements of political morality that all competent reasoners will acknowledge, and with respect to these, we can tell a story of the emergence over time of the moral truth. But most requirements of political morality are constituted by competent judgments employing

socially available normative or evaluative concepts, and if the concepts were different in an earlier era, so were the requirements. [Chapter 6](#) develops this picture and explores its implications for the enterprise of making moral judgments about the past.

Despite the familiarity of the phrase, some might wish to deny that there is such a thing as reasonable moral disagreement in politics. They may be willing to concede that there can be political disagreements in which all the positions taken are unreasonable. But, they will insist, where we find genuine disagreement, at most one of the positions can claim the support of reason. In this book, I do not argue directly for the existence of reasonable moral disagreement in politics. I proceed on the assumption that some questions concerning how political cooperation morally ought to be organized admit of reasonable disagreement. I propose a way of understanding such disagreement and explore what it implies for political life and political morality. Presumably, a study of this sort must be undertaken before we can decide whether to acknowledge the existence of reasonable political disagreement.

I have tried, in writing this book, to make the argument accessible to readers who are not philosophers by training. For such readers, the parts of the book that set out the meta-ethical theory of moral nominalism, the [final section of chapter 1](#) and the whole of [chapter 2](#), are likely to present the greatest difficulty. The discussion there is somewhat removed from the social phenomenon of political disagreement. I urge readers who find these parts of the book heavy going to skip to [chapter 3](#), possibly returning to them later.

The writing of this book has been a solitary project, but I have received helpful comments on [chapter 2](#) from my colleague, Aaron Zimmerman, and on the whole manuscript from two anonymous referees for Cambridge University Press. I have also received helpful comments from the Cambridge philosophy editor, Hilary Gaskin.

CHAPTER I

The structure of reasonable disagreement

In this initial chapter I consider the characteristic features of reasonable disagreement. I have said that one of the marks of reasonable disagreement is that shared deliberation about what is justified by a given body of evidence, or set of reasons, does not produce convergence on a single answer, no matter how openly it is conducted or for how long. As I have indicated, my primary concern is reasonable disagreement in politics, disagreement concerning how political cooperation is to be organized. The focus of the book is normative and evaluative disagreement as it pertains to the organization of political cooperation. But decisions about how to organize political cooperation often turn on the answers to questions of empirical fact. So after an initial section explaining why the phenomenon of reasonable disagreement is puzzling, I briefly consider whether questions of empirical fact admit of reasonable disagreement. This topic is of interest in its own right, and discussing it will help us to see, in the fourth section, what is distinctive about reasonable normative and evaluative disagreement. The chapter concludes with some material on meta-ethics that sets the stage for [chapter 2](#).

THE PROBLEM

It is difficult, in providing an account of reasonable disagreement in politics, to keep both aspects of the phenomenon firmly in view. Disagreement in politics concerns how political cooperation ought to be organized. It is disagreement concerning the actions that are to be taken collectively by the members of a polity. Collective action requires coordination, which in turn requires agreement on a cooperative scheme. This may be produced by a political decision procedure, such as voting, on the employment of which there is widespread agreement. If we emphasize the reasonableness of the different views about the way the polity should proceed in a given case, it can seem that not much is at stake in such decisions. The views are more or

less equivalent in overall acceptability, so it is appropriate for each party to acquiesce in the adoption of any of them, or at least to make some sort of accommodating move toward the views advanced by the other parties. Emphasizing the reasonableness of reasonable disagreement thus risks losing the element of disagreement.

This is especially problematic if we want to use the concept of reasonable disagreement to characterize actual political controversies. In practice, the contending parties are often convinced that the opposing views reflect deep moral errors and are thus pernicious. Consider, for example, the disagreement between Thomas Jefferson and Alexander Hamilton about how political cooperation was to be organized in the early United States. Hamilton was a supporter of a strong central government and of mercantile interests, while Jefferson was deeply suspicious of centralized government and envisaged an agrarian republic of independent farmers. As Jefferson saw it, Hamilton's aim was to establish in the United States institutions of the sort found in Britain, which would have constituted a betrayal of the revolution. If, however, we emphasize the element of disagreement, it becomes unclear what can be meant by saying that the contending positions all share the attribute of reasonableness. It seems to be characteristic of genuine disagreement in politics that the partisans of each view regard those advancing opposing views, and thus the opposing views themselves, as unreasonable.

We can restate the issue here by clarifying the connection between reasonableness and competence. Let us say that the position taken by a party to a disagreement is reasonable if and only if it is or could be the product of competent reasoning. Reasoning is competent when it is carried out in awareness of all the relevant considerations, the cognitive capacities exercised in extracting conclusions from the relevant considerations are appropriate, and these capacities are functioning properly. Given this, the last point in the previous paragraph might elicit the response that what matters is not what the parties to the disagreement think, but what is actually the case. The parties to a political disagreement may regard the opposing positions as incompetently reasoned, but they can be mistaken. This simply returns us to the first point, however. If the opposing positions are grounded in competent reasoning, or could be, why does it matter which is adopted? Also, if the reasoning is competent, how can it produce opposing conclusions?

An account of reasonable political disagreement that provides both for reasonableness and for disagreement must, then, accomplish several tasks. It must explain how it is sometimes possible for competent reasoners,

reasoning competently, to obtain different answers to a question germane to the organization of political cooperation. It must also make clear why this can happen even when the parties take advantage of all the available epistemic resources, including, importantly, the exchange of arguments in shared deliberation. Finally, it must explain how, despite the fact that all the positions are, or could be, supported by competent reasoning, each party can competently conclude that those taking opposing positions are reasoning incompetently.

This last point has an important methodological implication that should be noted at the outset. It will not usually be possible, using the kind of reasoning characteristic of applied ethics, to present examples of reasonable political disagreement, cases that seem, intuitively, to involve reasonable disagreement. To the extent that it can be made intuitively plausible that both of two competing political positions are reasonable, it will seem that either would be acceptable, and thus that the choice between them should be made by some device like flipping a coin. But as I have said, one of the defining features of reasonable disagreement in politics is that the contending positions do not seem equally reasonable to the parties, despite the fact that all are reasoning competently. Opposing views seem mistaken. This means that the contending positions will not seem equally reasonable to the reader, or at least to a reader who is engaged with the issue. An engaged reader will be engaged on one of the competing sides, and regard the reasoning supporting opposing positions as mistaken. As I explain more fully later, the principal way we have of determining that a particular disagreement is reasonable is by noticing that it has survived shared deliberation conducted in good faith over an extended period of time.

DISAGREEMENT ABOUT MATTERS OF EMPIRICAL FACT

We can begin by considering disagreement about questions of empirical fact that are germane to the organization of political cooperation. One such question concerns the policy that will produce the highest rate of economic growth. Can disagreements of this sort be reasonable, in the sense I have identified? Can competent reasoners continue, after shared deliberation conducted in good faith, to hold opposing views concerning the policy that will produce the highest rate of economic growth? To be a competent reasoner in this case, one must have had suitable training in economics. So what we are considering is the possibility of reasonable disagreement among experts of a certain kind. Whether fostering economic growth is an appropriate goal for a polity might itself admit of reasonable disagreement. Moral

disagreements of this sort are the principal focus of the present study. But for those who regard economic growth as an appropriate goal, the question of how to achieve it may still admit of disagreement. So we need to know whether such disagreements can be regarded as reasonable.

Let us suppose that there is a single correct answer to any question of empirical fact. It follows that where there is disagreement about the answer to such a question, at most one position can be correct. That is, it follows that some members of the group, and perhaps all, are making a mistake. It need not be the case, however, that some and perhaps all are reasoning incompetently. The available evidence may be inconclusive. It may not force the acceptance of just one answer to the question being considered. This situation seems typical of the empirical questions that arise in connection with the organization of political cooperation. These questions concern the consequences that different candidate policies will have if adopted, and the evidence that is available prior to the adoption of a particular policy may be compatible with different conclusions about this.

It can be argued that a competent reasoner confronted with inconclusive evidence will not draw a conclusion, but will rather suspend judgment. In the political case, however, this is not always possible. A polity may face a situation in which it must adopt some policy or other (which can include the policy of maintaining the status quo), despite the fact that the available evidence is compatible with different conclusions concerning the consequences of the candidate policies. Indeed, it may be that the only way to determine conclusively what the consequences of adopting a particular policy would be is to perform the experiment of adopting it. When this is the case, there is a sense in which a definitive answer to the question of which policy would produce a given outcome is epistemically inaccessible, since there is no possibility of adopting all of the candidate policies (at the same time and in the same circumstances) and comparing the results.

In such situations, we typically find disagreement among the experts. Can this disagreement be regarded as reasonable? Can we suppose that the experts are displaying competent reasoning in reaching opposing conclusions, instead of suspending judgment? Let us focus on the question of the economic policy that would produce the highest rate of economic growth. To reach a conclusion about this, one must bring to bear an economic theory. This gives us two main ways of modeling the inconclusiveness of the evidence. Within the framework of a particular theory, the evidence germane to the question of growth may be such that there is no basis for making a choice among the policies in a particular set, no basis for judging one to be productive of a higher rate of economic growth. Alternatively,

each theory may yield a definite answer to the question of which policy would produce the highest rate of economic growth, but the evidence germane to the question of which theory is correct may not warrant a definite conclusion about that.

In the first case, where the theory is held constant, it is less clear that the disagreement can be reasonable in the sense described in the [previous section](#). If a given economic theory does not provide any basis for choosing among the candidate policies, it can plausibly be maintained that the adherents of the theory should be willing to assent to the adoption of any of them. That is, the political requirement that some policy or other be adopted should be taken by them as a reason to employ a tie-breaking procedure, and then to unite in advocating the adoption of whatever policy is produced by the procedure.

In the second case, however, there may be warrant for regarding the disagreement about which policy would produce the highest rate of economic growth as reasonable in the sense specified. The evidence germane to the choice among theories is, we are supposing, inconclusive. But this is not all that experts have to go on. They will have acquired, through long experience in economic problem solving, an educated sense of how things tend to work in the economic domain, which can be, so to speak, added to the available evidence for and against the different theories. Or perhaps the process of theory formation involves not just the extraction of conclusions from evidence by some sort of neutral logic, but the bringing to bear of an educated sense of how the things tend to work in the economic domain, so that the theory a given individual accepts gives expression to such a sense. The experience in economic problem solving that each expert acquires in the course of achieving expertise will be somewhat different for each, with the result that the educated sense that each has of how things work in the economic domain will be somewhat different as well. The ability to bring to bear such an intuitive sense of how things work in the economic domain is, however, plausibly regarded as an aspect of competence in economic thinking. Thus different experts, reasoning competently, can reach different conclusions about which economic theory is correct. And the different theories may yield different answers to the question of how best to promote economic growth.

Since a sense of how things work in the domain under investigation, acquired through experience in problem solving, is a feature of expertise of all sorts, we can expect to find reasonable disagreement of the kind just described wherever expertise is brought to bear. If, for example, the evidence concerning the choice among astrophysical theories is inconclusive, there can be reasonable disagreement among astrophysicists grounded in

the fact that their problem solving experience has given each a somewhat different sense of how things tend to work in the astrophysical domain. In natural sciences such as physics, reasonable disagreement is characteristic of work at the frontier of the discipline. As the evidence germane to the tenability of a particular hypothesis, or the appropriateness of a particular theory, accumulates, it may lose the character of inconclusiveness, with the result that all competent reasoners reach the same conclusion. A question that once admitted of reasonable disagreement may no longer do so.

In the social sciences, this situation is less common. It is less often the case that the evidence forces even investigators with different histories of problem solving to agree that a particular hypothesis or theory is correct. Part of the explanation may be that the social sciences are interpretive in a way that the natural sciences are not. Theory construction involves finding a way to understand the possession by behavior in the relevant domain of a normative attribute, rationality. The exercise of an educated sense of how the social world works will play a role, but it will not be constrained by evidence in the way the educated sense of a natural scientist is. If a person or group behaves in an unexpected way, the advocate of a particular hypothesis or theory may be able to avoid judging it false by attributing what is happening to irrationality. This point applies to disagreement concerning the economic policy that will produce the highest rate of economic growth. The different theories may be based on different expectations about how rational economic actors will respond to moves by the government, with the result that these theories are less constrained by hard evidence.

For present purposes, however, the important point is that there seems to be a place for the idea that questions of empirical fact germane to the organization of political cooperation can admit of reasonable disagreement. I have taken as an example the question of the policy that will produce the highest rate of economic growth, but questions in the natural sciences can be relevant as well, for example, the question whether human activity is contributing to global warming. The accumulation of evidence germane to this question has recently removed it from the list of politically relevant empirical questions admitting of reasonable disagreement. As I have suggested, this sort of transition may take place with less frequency in the social sciences. In both cases, however, where there is reasonable disagreement, it is to be understood in the same way. The competence of experts includes an educated sense of how things tend to work in the domain of their expertise, a sense created by a personal history of problem solving in that domain. But since personal histories of problem solving differ, competently reasoning experts can disagree.

It should be emphasized that we are discussing disagreement among competent reasoners. Experts, like other people, have personal interests, including interests created by membership in various groups, and different policies may affect the interests of experts differently. This will give an expert a reason to examine carefully any reasoning favoring policies that would threaten her interests, policies that would reduce the value of her investments, for example. By itself, adopting such a posture is not incompatible with competent reasoning. But it is a familiar fact that the examination of evidence favoring policies that would threaten one's interests can be subtly corrupted by bias, with the result that good reasoning in support of these policies is not recognized as good. Similarly, bad reasoning supporting policies that would favor one's interests may not be recognized as bad. In suggesting that there can be reasonable disagreement about matters of empirical fact germane to the organization of political cooperation, I am not denying that much actual disagreement, even among experts, reflects such errors. I am merely affirming the possibility that genuinely competent reasoning among experts can produce different answers to politically relevant questions of empirical fact.

DISAGREEMENT AMONG EPISTEMIC PEERS

I have suggested that experts can reasonably disagree about the answer to a question of empirical fact if the evidence is inconclusive and each has a somewhat different educated sense of how the domain they are investigating works. What about the case where the evidence is conclusive? Given that the question being investigated has a unique right answer, where the evidence is conclusive, disagreement means that someone is reasoning incompetently. This is compatible with the assumption that the parties to the disagreement are experts, because humans are fallible, and even an expert can fall into error. Although the parties can be regarded as possessing equal competence in matters of the kind being addressed, some are not reasoning competently in the case at hand. Indeed, they all may be reasoning incompetently. The important point, however, is that the advocates of at most one position can actually be displaying competent reasoning.

Epistemologists have begun to discuss this case, or a somewhat more general version of it, under the heading of disagreement among epistemic peers. The disagreements described in the [previous section](#) can be regarded as disagreements among epistemic peers, because the parties have access to the same evidence and are equally competent in extracting conclusions from this evidence. But because each party brings to bear a different educated

sense of how things work in the domain of investigation, we do not need to conclude that some are reasoning incompetently in the case at hand. At most one of the positions taken can be right, but the advocates of the opposing positions can all be reasoning competently. By assuming that the evidence is conclusive, we remove this possibility. There is only one conclusion that a competent reasoner can reach. In a situation of this sort, disagreement entails that someone's reasoning is faulty. The epistemological issue that is starting to receive discussion concerns a particular question raised by such cases. Can a competent reasoner – that is, someone whose reasoning in matters of the relevant kind is generally competent – legitimately retain his personal view of the force of the evidence, or should he rather move toward the views of the other members of the group (who should at the same time be moving toward his view)?

In a noteworthy recent paper, Thomas Kelly holds that it is appropriate to retain one's personal view in cases of disagreement with epistemic peers.¹ It is clear that somebody is reasoning incorrectly, but one has no reason to ascribe error to oneself rather than the others, so it would be inappropriate to change one's mind. In another noteworthy recent paper, David Christensen takes the opposite view, holding that one has no reason to ascribe the mistake to others rather than to oneself.² Thus one should be prepared to give up one's own view of the force of the evidence. One should opt for an intermediate position when the disagreement, such as one concerning the probability of rain, admits of this. Some adjustment may also be required when the question being addressed does not admit of an intermediate position. The fact that all are competent reasoners, even though some are reasoning incorrectly on this occasion, means that the opinion of each group member constitutes some evidence as to where the truth lies. So, it can be argued, when no intermediate position is available, one should adopt the view held by the majority, or a plurality, of investigators.

This is not the place to enter into a detailed discussion of the subtle arguments made by the participants in this debate. But I would like to suggest a reason, not to my knowledge generally recognized, why the parties to a dispute of this sort should retain their personal views. Christensen makes his case in two steps. First, the fact of disagreement provides a reason

¹ Thomas Kelly, "The Epistemic Significance of Disagreement," in T. Gendler and J. Hawthorne, eds., *Oxford Studies in Epistemology*, vol. I (New York: Oxford University Press, 2006), pp. 167–196.

² David Christensen, "Epistemology of Disagreement: The Good News," *The Philosophical Review* 116 (2007), pp. 187–217.

to suppose that someone is making a mistake. Second, given that there is just as much reason to ascribe the mistake to oneself as to the other parties, one should be prepared to surrender one's own view, moving toward the view, or views, of the others.³ I agree that the fact of disagreement provides a reason to suppose that someone is making a mistake, and in particular, a reason to doubt that one's own view is correct. But I do not agree that one should therefore move toward the view or views of one's epistemic peers. Rather, the appropriate response to disagreement is reexamination of what might be called the first-order evidence. This consists of all the available evidence, excluding the evidence provided by the judgments of others. Whether a change of mind is appropriate depends on the result of this reexamination.

The reason for adopting this posture is, in a way, moral rather than epistemic. One will be behaving irresponsibly, as a member of the group of investigators, if one changes one's mind simply because others have reached different conclusions. In particular, one will be acting in a way that distorts the reason, provided by the fact of disagreement, for each group member to suspect that his or her view is incorrect.⁴

To regard the judgment of another as a reason to change one's mind is to deem it appropriate to add that judgment to the first-order evidence. Suppose that the question is whether a certain human trait has a genetic basis. The first-order evidence germane to this question consists of some considerations that support the conclusion that the trait has such a basis and some that it does not. This evidence is conclusive, we are assuming, but there is nevertheless disagreement among the biologists investigating the question. Thus someone is reasoning incorrectly. A particular member of the group, Smith, may regard the evidence that there is a genetic basis as stronger, and so make this judgment. If, however, the contrary judgments of epistemic peers constitute a reason not just to believe one may be mistaken but also to change one's mind, Smith must add the fact that others have reached the opposite conclusion to the available first-order evidence. This may have the effect, for her, of tipping the total balance of evidence toward the conclusion that there is no genetic basis.

We can begin to see the problem this presents by considering a simple two-person case involving Smith and another researcher, Jones, who has reached the opposite conclusion. Smith believes that there is a genetic basis

³ *Ibid.*, p. 198.

⁴ I first made this argument in *Collective Rationality and Collective Reasoning* (New York: Cambridge University Press, 2001), pp. 115–118.

for the trait and Jones believes that there is not. The situation is symmetrical. So if it is true that Jones's judgment gives Smith a reason to change her mind, it is also true that Smith's judgment gives Jones a reason to change his mind. Suppose that each judges a change of mind to be appropriate. The distribution of opinion will simply be reversed. Alternatively, if Smith learns of Jones's assessment of the first-order evidence and is prompted as a result to change her mind, while Jones learns of Smith's judgment only after she has made this change, Jones will have no reason to change his mind and the group will converge on the conclusion that the trait lacks a genetic basis. But this result is completely arbitrary. Had the order of discovery been reversed, the opposite outcome would have been produced.

The problem becomes clearer if we consider a group of 100 researchers, 49 of whom have concluded that the trait possesses a genetic basis and 51 of whom have concluded that it does not. Let us assume further that, although they all feel justified in reaching a conclusion, each has a slightly different view of the force of the first-order evidence, the strength with which it supports the presence or the absence of a genetic basis for the trait. Since we are supposing that incorrect reasoning in a particular case is compatible with general competence in matters of the kind being considered, we can make the additional assumption that differential assessment of the strength of the evidence is compatible with general competence.

In the situation described, the additional evidence provided by the judgments made by the members of the group points slightly against the conclusion that the trait has a genetic basis. This might make no difference to any member of the group. If member A, for example, regards the first-order evidence for a genetic basis as significantly stronger than the evidence for the contrary conclusion, the addition to the mix of a further, relatively weak reason for believing that there is no genetic basis may not lead her to change her mind.⁵

But it is conceivable that within the group, there is someone who judges that there is a genetic basis for the trait, but finds the first-order evidence for

⁵ We are assuming that all 100 are competent reasoners, although some are not manifesting this competence in the case at hand. It might be suggested that the assumption that all are competent reasoners can support a categorization of all as more likely to be right than not, thus allowing the Condorcet jury theorem to be brought to bear, and strengthening the reason to suppose that the majority view is correct. This would make little difference with such a small group, however, and it is doubtful that we could plausibly regard all the members of a group of say, one million, as epistemic peers in the sense we are now employing. It is doubtful that we could plausibly regard them all as competent reasoners in possession of conclusive evidence. The bearing of the Condorcet jury theorem on the question of deference to epistemic peers is discussed by Philip Pettit in "When to Defer to Majority Testimony – and When Not to," *Analysis* 66 (2007), pp. 179–187.

this only slightly stronger than the evidence for the contrary conclusion, and is thus led to change his mind by the fact that more investigators judge the first-order evidence to support the absence of a genetic basis. That is, the fact that only 49 members of the group judge the evidence to support the presence of a genetic basis while 51 judge it to support the absence of such a basis tips the balance, for him, in favor of the conclusion that there is no genetic basis. We then have a situation in which 52 believe that there is no genetic basis and 48 believe there is. Given the new distribution of opinion, all the remaining members who believe that there is a genetic basis for the trait must consider whether they now have a reason to change their minds. And someone may conclude that she does. When it was 51 to 49, she regarded the first-order evidence for a genetic basis as strong enough to defeat the combination of the first-order evidence to the contrary and the additional reason for accepting the absence of a genetic basis provided by the distribution of opinion within the group, but she now finds the first-order evidence for a genetic basis defeated by the evidence provided by the distribution of opinion. The first-order evidence against a genetic basis, supplemented by the additional support provided by the fact that 52 people accept this conclusion while 48 do not, is judged sufficient to tip the balance.

Again, the remaining partisans of a genetic basis will need to revisit the question whether there is warrant for this conclusion. And now that it is 53 to 47, a further member of this group may conclude that a change of mind is warranted. This process could, in theory, continue until it produces a consensus that there is no genetic basis for the trait in question, until all 100 members of the group accept that there is no genetic basis. But clearly something will have gone wrong. No further first-order evidence has been introduced, and shared deliberation has changed no minds about what the first-order evidence requires. Rather the evidence provided by the judgments of others has undergone a misleading inflation. The real force of this evidence is that which obtained initially, that which obtained when the judgment of each member of the group was determined solely by her reading of the available first-order evidence.

If the members of the group are to preserve the integrity of the reason their judgments collectively provide for supposing that one of the contending positions is mistaken, if they are to ensure that the apparent force of this reason corresponds to its real force, each must take the disagreement of others as warranting only a reexamination of the first-order evidence, not a change of mind. I said above that the reason for taking the disagreement of others as warranting only a reexamination of the first-order evidence is, in a way, a

moral reason. We can now see why. The preservation of a true impression of the strength of the reason for believing that someone is mistaken which is created by the existence of disagreement requires a collective effort within the group as a whole. By changing one's mind simply because others disagree, one fails to do one's part in this collective effort.

It should be mentioned that this result does not establish the reasonableness of the initial disagreement. By hypothesis, the first-order evidence was conclusive, so some members of the group were reasoning incorrectly. They were displaying incompetence as reasoners in the case at hand. But the result provides indirect support for one salient feature of reasonable disagreement, the retention of one's position despite the fact that others disagree. Indeed, it suggests that when, after reexamination of the first-order evidence, one finds that one remains in disagreement with other investigators, one should publicize one's disagreement. Agreement is agreeable, but disagreement can be morally, as well as epistemically, required.

REASONABLE DISAGREEMENT AND POLITICAL MORALITY

Political decision-making determines how political cooperation is to be organized. Questions of empirical fact are germane to organization of political cooperation, and as we have seen, they can admit of reasonable disagreement. This alone suffices to establish that political decisions can be, and probably often are, made in the face of reasonable disagreement. But when we think about disagreement in politics, we more often have in mind normative and evaluative questions, and in particular, moral questions. The parties to the disagreement disagree about the moral acceptability of the different ways that political cooperation might be organized, the moral acceptability of a particular tax policy, for example. It seems, if anything, more plausible that questions of political morality admit of reasonable disagreement than that empirical questions do. We must, then, consider how reasonable disagreement is to be understood in this case. Some of the remarks that follow apply as well to disagreement about matters of empirical fact germane to political decision-making.

A useful first step is to distinguish two senses of "reasonable." I have said that a reasonable view is one that is competently reasoned. An unreasonable view thus becomes one that is incompetently reasoned. The competence in question is exercised in the identification of the considerations relevant in a given context and in the assignment of relative weights to them. This is the sense of "reasonable" employed in the standard of proof in a criminal trial, which requires that guilt be established beyond a reasonable doubt. The

evidence presented must be such that no competent reasoner, confronted with that evidence, could doubt the defendant's guilt. Disagreement is reasonable when the relevant considerations are such that competent engagement with them is compatible with the reaching of different conclusions.

The second thing that can be meant by labeling a view as reasonable is restricted to cooperative contexts. A reasonable person, in a cooperative context, is someone who is prepared to make concessions to the other cooperators if they are similarly prepared to make concessions to him. To put it another way, a reasonable person is one who accepts that the way cooperation is organized should reflect concessions by all the cooperators. A reasonable view then becomes a view of the appropriate pattern of concessions that a person who is reasonable, in the specified sense, could hold. An unreasonable view lacks this feature.

The concessions at issue are concessions from some initially favored way of organizing political cooperation. One might initially favor a way of organizing political cooperation because it would satisfy a personal interest, perhaps by increasing one's income. In this case, concession would involve accepting a somewhat lower income. But as I interpret the idea of appropriate concession, it does not presuppose any particular way of understanding the positions initially taken. This will be context-dependent. Thus in certain circumstances a reasonable person might find it appropriate to make a concession from a moral concern, to accept the diminished realization of certain moral values to which she is committed, for example, environmental values. Indeed, as we shall see, there can be such a thing as higher-order concession from a first-order view of the appropriate pattern of concessions.

To make a place for reasonable disagreement in connection with this second conception of reasonableness, we must combine it with the first. Let us call the second conception "reasonableness as fairness" and the first "reasonableness as competence."⁶ In disagreeing about the appropriate pattern of concessions, people are disagreeing about what is fair. Such disagreement will be reasonable in the first sense if the reasoning germane to the fairness of a cooperative enterprise is such that its competent performance does not guarantee convergence on a single understanding of what is fair. Political justice is also a matter of appropriate concession, so we can provide in the same way for reasonable disagreement about justice. In

⁶ I distinguish these two senses of reasonableness in *Collective Rationality and Collective Reasoning*, pp. 92–93. Jeremy Waldron makes a similar distinction in "Justice Revisited," *The Times Literary Supplement*, no. 4707, June 18, 1993, pp. 5–6.

general, I will not be making a sharp distinction between fairness in the political case and justice.

A bit more should be said about reasoning that addresses the justice or fairness of political cooperation. Such reasoning will often involve weighing claims that can be made by the members of a polity. Certain features of the situation are regarded as grounding claims that can be made by some members against others, or against the polity as a whole. For example, the fact that a new drug treating a particularly vicious disease has become available may be thought to create a claim to the public provision of that drug. An appropriate pattern of concessions is then one that appropriately reconciles all the legitimate claims. Disagreement can concern either the legitimacy of particular claims or the way they should be reconciled. Disagreements of both sorts will be reasonable if competent reasoners could reach different conclusions.

Lying behind this picture is the assumption that a distinctive capacity is engaged when competent reasoners think about the pattern of concessions that ought to mark political cooperation. Competent reasoning about the appropriate pattern of concessions is not competent participation in a bargaining process. It is a kind of thinking that presupposes the general appropriateness of concession to the other participants in a cooperative endeavor, regardless of their bargaining power, and that attempts to determine the particular pattern of concessions required in the case at hand. In mature humans, this capacity to make, and also to seek, concessions is structured by concepts that identify different kinds of claims that can be made, and also by social values that can justify concession. This receives further discussion in the [next chapter](#). For present purposes, the important point is that the reasoning about fairness or justice associated with the exercise of the capacity for making concessions typically involves first identifying features of the situation that, given the available concepts, can be regarded as justifying concession, and then considering how these considerations should be reconciled.

John Rawls has proposed that we attribute reasonable political disagreement to the operation of what he calls the “burdens of judgment.” These are “hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life.”⁷ Among the burdens that Rawls mentions, the most important for political purposes is that “the way we assess evidence and weigh moral and political values is

⁷ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 56–57.

shaped by our total experience, our whole course of life up to now, and our total experiences must always differ.” The observation in the [second section](#) to the effect that an expert’s personal history of problem solving will produce a distinctive sense of how things tend to work in the domain of her expertise can be regarded as pointing toward this phenomenon. I say more about how total experience affects moral judgment in the following chapters.

Bias is especially likely to distort judgments of the fairness of a cooperative scheme. One of the marks of competent reasoning about fairness is that bias is neutralized. Reasoning which takes the form of shared deliberation is especially important here. In accepting the possibility of reasonable disagreement in politics, however, we are accepting that disagreement about what would be fair cannot always be attributed to bias. This point is germane to the interpretation of Rawls’s burdens of judgment. They are not to be understood as sources of bias. Rather they are deep features of the human situation which have the consequence that the competent exercise of our powers of reason and judgment will not always yield agreement.

As Jeremy Waldron has pointed out, although Rawls envisages reasonable disagreement about comprehensive moral doctrines, he does not appear to envisage reasonable disagreement about justice.⁸ In a Rawlsian well-ordered society, there will be an overlapping consensus of reasonable comprehensive doctrines. A comprehensive doctrine counts as reasonable to the extent that it authorizes concessions to those holding other comprehensive doctrines sufficient to enable them to participate in the overall scheme of political cooperation. The concessions the doctrines authorize, however, are in each case the same, those specified by the political conception of justice that is the subject of the overlapping consensus. This is provided by Rawls’s theory of justice as fairness. So although comprehensive doctrines can reflect different views about what constitutes a good human life, there will be no disagreement about justice. Waldron argues that this makes the disagreement characteristic of a Rawlsian well-ordered society unsuitable as a model for actual political disagreement. The most important political disagreements are precisely disagreements about justice or fairness. We can, then, follow Rawls in attributing reasonable disagreement to the burdens of judgment. But if we are to see reasonable disagreement as playing a role in the most important political controversies, we must

⁸ Jeremy Waldron, “Rawls’s *Political Liberalism*,” in his *Law and Disagreement* (Oxford: Oxford University Press, 1999), pp. 149–163.

suppose that these burdens can affect competent reasoning about what justice or fairness requires.

How, exactly, is reasonable disagreement about questions of political morality to be understood? Some prominent current discussions of the democratic resolution of disagreement propose that respect for the moral seriousness of the people advancing opposing political views requires accommodating these views, at least to some extent. Thus Amy Gutmann and Dennis Thompson advocate what they call “economizing on moral disagreement.” When a number of different justifications for the view that one advocates are available, one should choose the justification that minimizes the disagreement with opposing views.⁹ Another writer who has given an important place to accommodation grounded in mutual respect is Henry Richardson. Richardson advocates “deep compromise.” This is a process by which political actors reformulate ends so as to make agreement possible, but do so in response not to the force of opposing arguments, or to bargaining power, but to the normative pressure exerted by the requirement to respect other people as self-originating sources of claims.¹⁰ The “democratic deliberation within” advocated by Robert Goodin as a way of compensating for the inefficiencies of actual shared deliberation also seems to involve an element of mutual accommodation. Goodin suggests that by imaginatively occupying the positions of others, “each of us might be able to conduct a wide ranging debate within our own heads among all the contending perspectives.”¹¹ But he does not envisage the achievement of an internal consensus. Rather, internalizing the perspectives of others

⁹ “Mutual respect among those who reasonably disagree is a value in itself, and in turn it has further beneficial effects for democracy. One of the most important effects is what we call the economy of moral disagreement. When political opponents seek to economize on their disagreements, they continue to search for fair terms of social cooperation even in the face of their fundamental (and often foundational) disagreements. They do so by justifying the policies that they find most morally defensible in a way that minimizes the rejection of the reasonable positions they nonetheless oppose on moral grounds.” (Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* [Princeton: Princeton University Press, 2004], p. 134. See also their *Democracy and Disagreement* [Cambridge, MA: Harvard University Press, 1996], pp. 84–85.)

Economizing on disagreement, so characterized, seems to presuppose that a number of different moral justifications are available, and that they are all equally good. It may often be the case, however, that the best justification – the one that, in the judgment of the person holding a view, provides the strongest support for it – is one that exacerbates disagreement. In this case, choosing the justification that minimizes disagreement would seem not show respect for those with whom one disagrees, at least in their capacity as rational agents. Alan Wertheimer’s “Internal Disagreements: Deliberation and Abortion” (in Stephen Macedo, ed., *Deliberative Politics: Essays on Democracy and Disagreement* [New York: Oxford University Press, 1999], pp. 170–183), contains a useful discussion of the connections between deliberation, accommodation, and respect.

¹⁰ Henry S. Richardson, *Democratic Autonomy* (Oxford: Oxford University Press, 2002).

¹¹ Robert Goodin, *Reflective Democracy* (Oxford: Oxford University Press, 2003), p. 183.

involves “balancing them with [one’s] own.”¹² This seems to mean effecting in one’s thinking some kind of mutual accommodation.

The overall strategy of these proposals can be explained using the distinction I have made between two kinds of reasonableness. When there are conflicts concerning how a cooperative venture is to be organized, reasonable-as-fair people will make concessions. They will thus advocate cooperative schemes that embody such concessions. The proposals just examined can be understood as suggesting that when reasonable-as-fair people find themselves disagreeing about the appropriate pattern of concessions, they will reinstitute the process of concession at a higher level, seeking a compromise among their competing views.

But it can also be argued that confronted with such a situation, reasonable-as-fair people will resist accommodation. Each initial judgment will embody an understanding, taken to be competently generated, of the pattern of concessions appropriate to the cooperative venture in question. So moving in the direction of opposing judgments can appear to be unreasonable. The pattern of concessions produced by mutual accommodation can seem unfair in light of the prior understanding of the appropriate pattern of concessions.¹³ When the situation is viewed in this way, mutual accommodation comes at the cost of detachment from what each regards as the correct understanding of what would be fair.

It is not obvious, then, that accommodation is the reasonable response to reasonable disagreement. What does this imply about how we should view reasonable disagreement? It is useful to consider how reasonable disagreement is to be distinguished from disagreement in which some of the contending positions are unreasonable in the dual sense. They display incompetent reasoning about what would be fair, or incompetently disregard considerations of fairness entirely. Gutmann and Thompson

¹² *Ibid.*, p. 10. Goodin describes this balancing as an internal analogue of aggregative procedures like voting. One important justification for such procedures is that they express respect for the each citizen as an individual with a particular perspective on the issue to be decided. The word “balancing,” however, suggests more accommodation of opposing views than is provided by a shared willingness to abide by the results of a vote.

Cass Sunstein’s “incompletely theorized agreements” constitute another mechanism of accommodation grounded in respect for the diversity of moral and political opinion. See his *Legal Reasoning and Political Conflict* (New York: Oxford University Press, 1996), ch. 2. In the most important case, an incompletely theorized agreement is one that resolves a relatively concrete issue in a way that can be endorsed from a number of different theoretical perspectives, and thus does not require a choice among these perspectives. However, Sunstein regards incompletely theorized agreements as more appropriate to the resolution of legal disputes than to democratic decision-making, where the ascent to higher-level principle has a legitimate place.

¹³ I discuss this phenomenon in *Collective Rationality and Collective Reasoning*, chs. 2 and 4.

distinguish the rejection of manifest injustice from what they call “deliberative disagreement.” A deliberative disagreement, they say, should not be resolved – a social choice among the contending positions should not be made – because these positions are all reasonable. The parties should simply economize on disagreement, as described above.¹⁴ Employing T. M. Scanlon’s formula, they cite as the mark of deliberative disagreement the fact that none of the contending positions can be reasonably rejected.¹⁵ Manifest injustice, by contrast, can be reasonably rejected. However, this proposal also seems to blunt the seriousness of political disagreement. If one cannot reasonably reject an opposing view, shouldn’t one regard it as an acceptable substitute for one’s own?

We can provide for reasonable disagreement that is also serious by giving the Scanlonian formula a different employment. A reasonable political disagreement is not a disagreement in which none of the contending views of what would constitute an appropriate pattern of concessions can be reasonably rejected. Rather it is a disagreement in which *each* of the contending views can be reasonably rejected by at least one of the parties. This leaves us with the problem of distinguishing the sort of rejection of opposing views that is characteristic of reasonable disagreement from the sort that constitutes a response to manifest injustice. But a solution is available. We can introduce the concept of the reasonable rejection of a reasonable rejection. Where there is reasonable disagreement, the reasonable rejection of a particular position can itself be reasonably rejected by those holding that position. The defining feature of manifest injustice, by contrast, is that its rejection cannot be reasonably rejected by anyone.

If we could identify a representative subset of the population whose members were always reasonable in the dual sense, we could extract a criterion of reasonable disagreement from the observations just made. Where all the members of this group reject a particular way of organizing political cooperation, we have manifest injustice, and where they differ concerning the rejectability of a particular way of organizing political cooperation – where the rejections of some are rejected by others – we

¹⁴ *Why Deliberative Democracy?*, p. 28.

¹⁵ *Ibid.*, p. 28. Scanlon says, “[A]n act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced, general agreement” (T. M. Scanlon, *What We Owe to Each Other* [Cambridge, MA: Harvard University Press, 1998], p. 153). Scanlon seems to be employing the notion of reasonableness in the dual sense I have proposed. What one can reasonably reject as a basis for agreement is what one can competently reject as demanding excessive concessions from one, or as not demanding sufficient concessions from others.

have reasonable disagreement. But it is doubtful that there is such a subset. Everyone sometimes displays unreasonableness in the dual sense.

Explicability by Rawls's burdens of judgment gives us some epistemic access to reasonable disagreement. Disagreement about what is just or fair can be regarded as reasonable when it is explicable by the burdens. This creates the possibility of my identifying as reasonable (as competently reasoned) a view about what would be fair that I myself can reasonably, in the sense of competently, reject. There may be situations in which I can recognize that an opposing position is explicable by the burdens, in particular, that it is explicable by a given individual's total experience up to the present, and thus that it is compatible with the competent exercise of human powers of reason and judgment.

More needs to be said, however, about what is involved in recognizing explicability by the burdens. The burdens of judgment are to be distinguished from sources of bias. They can be understood as features of each individual's experience that give him or her a distinctive perspective on the relevant reasons, on the reasons relevant to the fairness or justice of some way of structuring political cooperation. To recognize that an opposing position is explicable by the burdens of judgment is thus to see how the total experience of a particular individual or group could, consistent with competent reasoning, produce a distinctive perspective on these reasons – a distinctive understanding of what the relevant reasons are, of how they are to be interpreted, or of their relative weights.¹⁶ Manifest injustice, by contrast, when it is the product of a perspective on the relevant reasons, is the product of a distorted perspective. This perspective may be explicable by the total experience of an individual or group, but it cannot be regarded as a manifestation of competent reasoning carried out within the framework of that experience.

Because each competent moral agent operates from a perspective shaped by her own experiences, it may not always be easy for such an agent to determine whether an opposing view is a manifestation of competent

¹⁶ Jürgen Habermas, who argues that moral disagreements should be resolved by the force of the better argument, describes the deliberation that accomplishes this as a process of mutual perspective taking. Shared deliberation makes the perspective of each person on the relevant reasons available to the rest. If the different perspectives are understood as grounded in different configurations of the burdens of judgment, however, it cannot be expected that mutual perspective taking will actually produce agreement. To the extent that shared deliberation creates an appreciation of the perspective of each participant, it will make explicit the associated burdens. But it need not result in a sharing of these burdens. One can understand why someone says what he does without accepting it as correct. I discuss Habermasian mutual perspective taking (without, however, connecting perspectives with the burdens of judgment) in "Why There is No Issue Between Habermas and Rawls," *The Journal of Philosophy* 99 (2002), pp. 111–129.

reasoning carried out within the framework of different experiences. But more can be done when we introduce a historical dimension. Reflection on the history of a dispute can facilitate the identification of the underlying disagreement as reasonable. Disagreement grounded in conflicting perceptions of the nature and force of the available reasons gives rise to argument. Moreover, the clash of opposing arguments promotes sound reasoning. It exposes bias and other sources of incompetence in reasoning. But when disagreement is reasonable, argument will not produce agreement. So if a particular form of political disagreement arises in a number of different contexts, and generally survives extended debate, conducted in good faith, in the contexts where it arises, we will have some basis for confidence that the disagreement is reasonable. We will have some basis for supposing that the disagreement is grounded in competent reasoning carried out within the framework of different life experiences. Or to be more precise, we will have some basis for confidence that contained in the actual dispute, as it has evolved over time, is a core of reasonable disagreement that may itself have evolved over time. An example, which receives further discussion in the later chapters, is provided by the disagreement between advocates of capitalist economic arrangements and advocates of socialist economic arrangements.

MORAL REALISM AND REASONABLE POLITICAL DISAGREEMENT

The [previous section](#) described the structure of reasonable disagreement in politics, which I understand as disagreement about the pattern of concessions that ought to characterize political cooperation. As I have said, I wish to focus particularly on moral, in contrast to factual, disagreement in politics. I have suggested that disagreement is reasonable when competent reasoners can reach different conclusions about the answer to a given question. In the case of moral disagreement, the question is moral. Moral disagreement must be distinguished from practical conflict. The question each reasoner seeks to answer might be, "Which course of action, of those available, would most fully satisfy my concerns?" The answers obtained could give rise to practical conflict, to a situation in which the members of a group seek incompatible ends. But there need be no disagreement. All may agree about what would most fully satisfy the concerns of each of the parties. Considering how competent reasoners can disagree about the answer to a given practical question requires an excursion into meta-ethics.

Meta-ethics investigates the metaphysics, epistemology, and semantics of moral judgment. Put another way, it attempts to determine what is

happening when someone makes a moral judgment. In the context of ordinary moral discourse, moral judgments seem to be reports of the existence of facts of a certain sort, moral facts, and thus to be characterizable as true or false on the basis of whether they correspond to these facts. Further, if moral judgments can be true, there may be a place for moral knowledge, for the idea that we can be justified in making these judgments. But moral judgments are also generally understood to be action-guiding. They, so to speak, point people in the direction of the performance of particular actions.

These features of moral judgment can all be accommodated if we suppose that items in the world can possess not only natural properties, but also non-natural properties that have what J. L. Mackie has called “to-be-pursuedness” built into them.¹⁷ These properties mark actions of certain types as “to be pursued,” possibly because the actions will produce states of affairs that are to be pursued. In perceiving that an action which he could perform possesses such a property, an agent becomes aware that he has a reason for action, which in the normal case involves becoming motivated to perform the action. But this picture is usually regarded as unacceptably extravagant, both metaphysically and epistemologically. It is unclear how such properties could combine with natural facts to form a single, interconnected world, and it is unclear how animals with our particular epistemic capacities could register the existence of such properties.

In the [next chapter](#), I propose that reasonable disagreement about political morality is best accommodated by a meta-ethics that dispenses with moral properties, and thus does not admit moral facts “out there” waiting to be discovered. I call this view *moral nominalism*. But before turning to that, it will be useful to consider whether we can make a place for reasonable disagreement if we opt for a realist meta-ethics that posits the independent existence of moral facts. This will be my general approach to meta-ethical questions. I do not propose to defend moral nominalism by showing that it provides a more satisfactory treatment than other meta-ethical views of the full range of meta-ethical issues. My goal is to save (what I take to be) the phenomenon of reasonable moral disagreement, so my interest in other meta-ethical views is restricted to whether they can do this.

It should be noted at the outset that I mean to distinguish moral realism from constructivism about morality. Both views are cognitivist. They regard moral judgments as expressing beliefs. In a recent book on moral realism, Russ Shafer-Landau proposes that we understand the distinction between

¹⁷ J. L. Mackie, *Ethics: Inventing Right and Wrong* (Harmondsworth: Penguin, 1977), ch. 1.

realism and constructivism in terms of what he calls “stance-independence.” “Realists believe that there are moral truths that obtain independently of any preferred perspective, in the sense that the moral standards that fix the facts are not made true by virtue of their ratification from within any given actual or hypothetical perspective.”¹⁸ For constructivists, by contrast, moral truths are the products of perspectives. The moral nominalism that I am going to propose can be seen as a kind of constructivist view. I say more about this in the [final section](#) of the next chapter.

I have suggested that questions of empirical fact admit of reasonable disagreement when the evidence is inconclusive and the personal histories of judgment of competent investigators have given them somewhat different “senses” of how things work in the domain being investigated. Presumably something similar must be the case if questions of moral fact, realistically construed, are to admit of reasonable disagreement. I shall argue, however, that realist views either cannot provide for inconclusive evidence at all, or if they can, it is not inconclusive evidence of the right sort, the sort that sets the stage for competently reasoned judgments articulating conflicting views of the structure of moral normativity.

Moral realism comes in two main versions. One regards moral properties and facts as non-natural, where a natural property or fact is a property or fact that could find a place in one of the special sciences. Let us begin with this. The theory Mackie describes posits non-natural moral properties of a certain sort and a quasi-perceptual way of registering their presence. As has been noted, it is open to objections in both these respects. But even if these objections can be met, it does not appear that a theory of this sort can accommodate reasonable moral disagreement. Moral properties supervene on natural properties. So presumably, the perception of moral properties posited by the view supervenes on the perception, or cognizing in some other way, of the natural properties of an action or outcome. But then there can be no such thing as inconclusive evidence for the presence of the supervening moral properties. If the perceptual apparatus is functioning properly, when an individual is aware of certain natural properties, a perception of the presence of a particular moral property will supervene. The detection of additional natural properties might change the moral properties taken to be present, but this does not mean that the earlier registering of moral properties was based on inconclusive evidence. It was fully warranted in the context in which it occurred.

¹⁸ Russ Shafer-Landau, *Moral Realism: A Defence* (Oxford: Clarendon Press, 2003), p. 15, emphasis removed.

There may be another way of formulating a version of moral realism that regards moral properties as non-natural, in the sense that they have no place in the special sciences. It might be suggested that we can establish basic moral principles, at least, by tracing conceptual connections. The acquisition of moral concepts brings with it the understanding that certain naturalistically characterized actions or outcomes possess moral properties as well. An example would be a principle holding that, other things being equal, the intentional infliction of pain is morally wrong. It may be that such a theory – basically, an approach to moral realism via moral rationalism – avoids the metaphysical and philosophical extravagance of the theory Mackie describes. The theory may be committed to the existence of normative facts only in the way that any theory which makes a place for a distinction between what we actually believe and what we are justified in believing is committed to the existence of such facts. One possible complication is that the moral judgments that are produced will presumably establish the actions or outcomes to which they refer as “to be pursued,” to use Mackie’s words. This means that the theory must provide for moral concepts the content of which makes possible such judgments, and must explain how such concepts are acquired. The moral nominalism that I am going to propose in the [next chapter](#) does this, but in a way that has constructivist implications.

Again, however, we can leave these issues unresolved because this rationalist form of realism also seems incapable of making a place for the kind of inconclusive evidence that is a precondition of reasonable disagreement about any matter of fact. Someone who truly possesses the relevant moral concepts will already have all the “evidence” that could be available. If disagreement arises, it must be attributed to the fact that some people are not processing this conceptual material correctly. But then we cannot say that the different conclusions reached are all competently reasoned. Rather, disagreement means that mistakes are being made.¹⁹

¹⁹ A view of this general sort, developed with much greater sophistication than my brief description would suggest, can be found in Christopher Peacocke’s *The Realm of Reason* (Oxford: Clarendon Press, 2004), chs. 7 and 8. Peacocke, however, does not understand the view as a version of moral non-naturalism. He suggests (pp. 233–234) that on such a theory, the answers to some moral questions can be indeterminate. The conceptual nexus may not force a particular answer. Indeterminacy of this sort would give us a way in which different, incompatible answers to a moral question could be competently reasoned. But the answers would be competently reasoned only in the sense that the existing conceptual evidence did not rule out any of them. They would have no further support. In a case of genuine reasonable disagreement, by contrast, each of the different conclusions is supported (or forced) by competent reasoning which, since the conclusions are different, has a somewhat different character in each instance.

There may be other versions of moral realism that regard moral properties as non-natural. But it seems likely that any such view will have the same difficulty providing for competently reasoned judgments that nevertheless disagree. Disagreement will mean that at most one person can be reasoning correctly. This conclusion depends, however, on an assumption that might be questioned, the assumption that any competently reasoning human is capable of making full epistemic contact with any moral facts there may be. An alternative possibility is that the cognitive capacities of human beings are, so to speak, crude, at least in the moral case. The normal condition of humans, considered as cognizers of moral reality, is a kind of myopia. Everything is a bit out of focus.

The myopia hypothesis figures in the realist theory that Shafer-Landau has offered.²⁰ In response to the familiar argument that the existence of widespread moral disagreement is evidence against moral realism, he argues that moral realism is compatible with the possibility that humans do not have full epistemic access to the moral truth. Applied to our present concerns, this means that even people whose reasoning about moral matters is as competent as any human's can be may still fall into disagreement. Thus we can legitimately speak of reasonable disagreement even though some people are making mistakes. But if moral disagreement is to be attributed to moral myopia, one would also expect the parties to such disagreements to be tentative in their judgments. An aspect of epistemic competence, when epistemic access is doubtful, is a retreat from certainty. Yet as I have noted, reasonable disagreements about questions of political morality often do not display this feature. The parties are adamant that their views are correct. A theory of reasonable disagreement must accommodate this fact.

The other main approach to moral realism regards moral facts as natural facts of a certain kind, and thus as empirically accessible. At one time, proposals of this sort took the form of suggestions that terms like "good," in the moral sense, could be regarded as synonymous with particular naturalistic phrases, for example, "conducive to the survival of the species." Such proposals are usually regarded as falling to G. E. Moore's open-question argument. The question "This is conducive to the survival of the species, but is it good?" seems to be perfectly in order, yet if "good" is synonymous with "conducive to the survival of the species," it should be as puzzling as the question, "This is conducive to the survival of the species, but is it conducive to the survival of the species?"²¹

²⁰ Shafer-Landau, *Moral Realism*. See especially ch. 9.

²¹ There is a good account of the history of meta-ethics in Mark Timmons, *Morality Without Foundations: A Defense of Ethical Contextualism* (New York: Oxford University Press, 2004), ch. 1.

Contemporary naturalistic proposals dispense with the synonymy criterion. Thus moral properties might be held to be identical with non-moral properties in the way that water is identical with H_2O . The term “water” is not synonymous with “ H_2O ,” but the property of being water is identical with the property of being H_2O . It is possible, however, to do without property identities of any sort. One recent approach focuses on moral theories and understands the concepts provided by such theories, for example, the concept of depravity, as picking out certain features of the natural order that supervene on features picked out by other naturalistic theories, but that cannot be reduced to features of the latter sort.²² The confirmation of such a moral theory can be understood in the same way as the confirmation of a scientific theory. It can be confirmed by its ability to explain what happens in the world.

Since competent investigators can disagree about which explanatory theory of a particular domain is correct, it might appear that a realist view of the naturalistic sort just described can accommodate reasonable moral disagreement. But it is not clear that this is so. The questions such theories seek to answer concern the causal structure of a certain part of the natural world. Understanding a situation as presenting a moral problem, however, involves understanding it as posing a normative question, in particular, a question about what morally ought to be done. Reasonable moral disagreement is disagreement about what constitutes the correct answer to such a question. But it is not clear that realist views of the naturalistic sort can provide for reasonable normative disagreement. These theories typically attempt to make a place for normativity by incorporating a motivational assumption. Thus it might be assumed that psychologically normal humans will possess motivational dispositions that result in their promoting moral goodness and avoiding moral badness, as these are understood by the best naturalistic moral theory.²³

The basic view of normative reasons invoked here is Humean. One is justified in performing a particular action if and only if one’s beliefs about the way the world is give one good reason to suppose that the action will satisfy one’s desires. Hume provides for the rational criticism of desires if

²² The main texts are Nicholas Sturgeon, “Moral Explanations” and Richard Boyd, “How to Be a Moral Realist,” in G. Sayre-McCord, ed., *Essays on Moral Realism* (Ithaca: Cornell University Press, 1989), pp. 229–255 and pp. 181–228 respectively.

²³ See Boyd, “How to Be a Moral Realist,” pp. 214–216. Boyd also proposes that moral goodness can be understood as what he calls a homeostatic cluster property. This makes it readily intelligible that competent researchers will disagree about what actually possesses the naturalistic property of moral goodness.

they are based on false beliefs. The desire to see a unicorn can be criticized on the ground that there is no such animal. The Humean view can, then, allow for reasonable practical disagreement of a sort. When the members of a group reasonably disagree about a factual question germane to the satisfaction of a common desire, each will be able reasonably to reject the practical judgments made by some of the others.

But an adequate normative theory of practical reasons must allow for the rational criticism of desires in a further respect, one that goes beyond criticism of the beliefs on which they depend. It must provide a way of distinguishing desires whose objects an agent genuinely has reason to pursue from desires the agent merely happens to experience. Since the desires posited by realist moral theories of the naturalistic sort are simply desires that, as a matter of natural fact, are often found in humans, it does not appear that these theories possess the resources necessary to do full justice to moral normativity.

If the observations in this section are correct, accommodating the phenomenon of reasonable disagreement in the moral domain, reasonable disagreement about what there is sufficient moral reason to do, will require the acceptance of a non-realist meta-ethical theory. But this cannot simply be a theory according to which moral judgments give expression to, or are otherwise grounded in, the attitudes that a particular agent happens to have. Such a theory can account for practical conflict, but not for disagreement. Providing for reasonable moral disagreement requires making a place for judgments that are, as I shall put it, *target setting*, judgments that establish certain states of the world as targets to be aimed at in action. I use the word “target,” in contrast to “end” or “goal,” because the latter terms suggest a distinction between what one is aiming at and the means employed to achieve it. I want to leave room for the possibility that one’s aim in performing an action can just be the performance of that action.²⁴ Attitudes that an agent simply happens to have may also establish states of

²⁴ The following passage from S. L. Hurley may provide some support for this usage: “Choosing how to act in response to reasons is closely related to the idea of control. Reason-responsiveness is a kind of control, which operates through choice. Not all control involves choice and reasons: consider a thermostat. But when someone chooses how to act in response to reasons, her choices and the reasons to which they respond form a control system. Her reasons provide a target, which may involve characteristics of her own behavior as well as external states of affairs. Her choices combined with exogenous events in the environment and acts by others produce joint results, in which the target is either achieved or missed to some degree. Her choices are adjusted in light of information about the exogenous events and the joint results of them and her earlier choices in order to reduce error, or the gap between the target and the joint result” (S. L. Hurley, *Justice, Luck, and Knowledge* [Cambridge, MA: Harvard University Press, 2004], pp. 42–43).

the world as targets, but in this case, the targets have been brought into existence by the mere unfolding of various causal processes.²⁵ By contrast, when target setting is effected by a judgment, it can be regarded as well or poorly grounded. And if conflicting target-setting judgments made in answer to a given practical question can be well grounded, the result will be reasonable disagreement.

The judgments that are the focus of this study are judgments of political morality, judgments that concern how political cooperation morally ought to be organized. A judgment of political morality sets as a target a particular way of structuring some aspect of political cooperation. Disagreements within a group of potential cooperators concerning how to organize a particular cooperative endeavor have a distinctive character. They demand resolution in a way that disagreements of other sorts do not. I say more about this in [chapter 3](#). For present purposes, the important point is that if we are to accommodate reasonable disagreement about questions of political morality, it appears that we need a view that, while dispensing with independently existing moral facts, nevertheless enables us to understand how judgments that set ultimate targets to be aimed at in action can be well grounded or poorly grounded. I propose such a view in the [next chapter](#).

²⁵ One can want something that one regards oneself as completely unable to bring about. One cannot, one thinks, even increase its likelihood. Here, the want does not establish a target, although it might be more appropriate in such a case to speak of a wish.