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A Neutral Conception of Reasonableness?

ABSTRACT

Much liberal theorizing of the past twenty years has been built around a conception of neutrality and an accompanying virtue of reasonableness according to which citizens ought to be able to view public policy debates from a perspective detached from their comprehensive conceptions of the good. The view of "justificatory neutrality" that emerges from this view is discussed and rejected as embodying controversial views about the relationship of individuals to their conceptions of the good. It is shown to be based upon a "protestant" assumption according to which conceptions of the good can be cashed out in terms of propositional *beliefs*. An alternative conception of reasonableness, grounded in the stable disposition of individuals to prefer social peace over conflict is described. It is argued that it better satisfies the neutralist requirement than do theories of justificatory neutrality.

In an article published in 1987, Thomas Nagel presented the following vexing problem for the liberal doctrine of procedural neutrality. Liberals believe that controversial conceptions of the good life should not be invoked when justifying the use of coercive state power. This gives rise quite naturally to a doctrine of limited government: the state can only limit the liberty of its citizens when it does so on grounds which they could all affirm. Let's call those who affirm some variant of this doctrine *political liberals*. The problem for political liberals is that this doctrine has *effects* that are far from being neutral among holders of different kinds of conceptions of the good. For it seems safe to speculate that holders of substantively liberal conceptions of the good life, let's call them *ethical liberals*, are overrepresented among those who argue for the procedural neutrality of the state. (By a substantively liberal conception of the good life, I mean a conception that emphasizes the importance of the individual freely determining how her life will go, and perhaps also the value of experiments in living as opposed to conformity to pre-established traditional views). Now when the state acts as political liberals feel it ought, this tends to favor ethical liberalism. For ranges of options that might be foreclosed by those who feel that the state ought to enforce the values of a particular ethical doctrine remain open and available. On the other side of the ledger, people who live by less permissive ethical codes, and who in an ideal world would want the state to enforce this code get told, when they attempt to give their ethical views force of law, that they are being unreasonable, because the state should not be at the service of any particular conception of how individual lives should be led (Nagel 1987).

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This gives rise among those whose ethical codes are less permissive (let's call them *traditionalists*, for lack of a better term) to a sense that liberal neutrality is a cheat. Political liberalism and ethical liberalism seem made for each other, despite what political liberals might claim about the neutrality of their doctrine of the state. For political liberalism systematically stacks the deck against traditionalists and in favor of ethical liberals. Regardless of whether or not the views of ethical liberals are explicitly cited at the justificatory level or not, it turns out that the operation of a neutral state favors them. It is comparatively much more difficult for traditionalists to couch their policy preferences in apparently neutral terms, and so their preferred policies are blocked from the outset. This gives rise to the sense that political liberals are in bad faith: perhaps their espousal of political liberalism stems not so much from their dispassionate assessment of the independent merits of the position, but from the fact that it just happens to make it easier to be an ethical liberal (Swaine 2006: pp. 19–20).

Why should political liberals view this as a problem? Why should they think twice about simply affirming that political liberalism is the correct doctrine of justification for the state, and that the relative advantage it places ethical liberals in is simply an unintended consequence of that doctrine? I think that there are reasons internal to liberalism to see the traditionalist's complaint as at least *prima facie* legitimate. Here are three positions that liberals tend to hold:

First, we should be wary of institutions that seem to instantiate acceptable principles of political morality, but which in practice create permanent minorities or "losers". Our wariness should stem both from reasons of stability (citizens are more likely to lend their support to a political decision with which they disagree if political victories and losses are more or less evenly distributed over time across the population than if they are part of a group that seems to lose disproportionately), and from reasons of fairness (what better test do we have of the fairness of our institutions than their not creating classes of permanent losers?). In the history of political thought, this concern has been particularly present among designers of electoral systems (Mill 1991). But it could be argued that such a concern is even more important in the conceptual space that political liberals seek to occupy, for if their view is enshrined, laws and policies for which traditionalists would argue would most likely not even be allowed a hearing in electoral campaigns, and if they were, they would be struck down in judicial review.

Second, we have been made aware by the work of liberals such as Will Kymlicka that, at least in the sphere of culture, there is no such thing as neutrality. For the state *must* address and educate its citizens in one (or several) language rather than in all the languages represented among the citizenry, it *must* recognize certain days of rest, enshrine certain national symbols, etc (Kymlicka 1995). In this area there simply is no neutral ground. So the task of government should be not neutrality, but evenhandedness (Carens 2000). It should recognize the inevitably uneven effects of political measures no matter how unobjectionable their grounds, and take steps to counteract them.

Now, perhaps "permission" stands in the area of morality and value as "benign neglect" does in the area of culture: by "doing nothing" one is by default legitimating

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the positions of some and delegitimating the position of others. In the area of culture, one is *de facto* if not *de jure* enshrining the culture of the majority; and in the area of morality, one is "establishing" the moral views of ethical liberals.

Third, the elaboration of our principles of justice must proceed on the basis of our "considered judgments", in Rawls' sense. These are judgments about justice and morality that are to the greatest degree possible immunized from the distorting influence of conditions to which people are prey in everyday life. Self-interest ranks high among these conditions. How might we come to suspect that one of our beliefs is infected by self-interest? Here is a pretty good test suggested by David Miller: "Suppose [...] that on some issue better-off people tend to believe p and worse-off people tend to believe not-p; I am better off and I believe p. Suppose also that adherence to belief in p serves the sectional interests of the better off [...]. Taken together, these constitute good grounds for placing rather little confidence in the truth of p" (Miller 1999). Substitute "ethical liberals" for better-off people and "traditionalists" for worse-off people, and "state neutrality" for "p", and you have at least a *prima facie* case for worrying about the status of the belief many people have that the state ought to remain neutral in issues to do with the good life, where neutrality is construed as requiring that controversial grounds not be appealed to in the justification of this or that piece of legislation.

Political liberals should therefore be concerned by the challenge posed by the traditionalist to the doctrine of neutrality as I have described it here because it would seem at least at first glance to offend against three liberal commitments: its distrust of institutional mechanisms that "happen to" create permanent losers; its recognition of the fact that there are some areas in which neutrality is impossible, and evenhandedness a more plausible goal; and its suspicion of ethical beliefs that all too conveniently serve the sectional interests of those who hold them.

THE FAILURE OF JUSTIFICATORY NEUTRALITY

Three paths are open to the political liberal at this stage. First, he can recognize that his espousal of political neutrality is driven by ethical liberalism, and simply affirm the superiority of ethical liberalism over other conceptions of the good life, and the appropriateness of making the state a vehicle for its promotion. That is, he could become a liberal perfectionist. This is the path that has been followed most forcefully in recent years by Joseph Raz (Raz 1986).

Second, he can attempt to provide independent argument for justificatory neutrality, in order to counteract the impression that his support for political liberalism is purely based in self-interest (Quong 2005).

Third, he can attempt to articulate a conception of neutrality that is not as biased toward ethical liberals as justificatory neutrality is (Appiah 2005: pp. 88–99).

I will not say anything here about the first path. Though it sets liberalism on the kind of controversial footing that political liberalism had explicitly been designed to avoid, this position presents a *prima facie* plausible coherence in policy areas where political liberalism and ethical liberalism tend to come apart, that is, where political

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liberalism's tendency toward permissiveness does not *de facto* end up serving the ethical liberal's value preferences. For example, in the area of education, many liberals are torn between the idea that the state should enforce norms of public education that encourage the formation of autonomous, tradition-questioning individuals, and the thought that to do so would be to impose a particular conception of the good by force of law (Brighouse 1998; Levinson 1999). The liberal perfectionist has the advantage of simplicity and coherence here, since he does not have to attempt to balance the ethical liberal's intuition on this matter with that of the political liberal.

I think that it is fair to say that much liberal political theorizing in the last couple of decades or so has been taken up with following the second path. Nagel, from whom I have borrowed the initial formulation of the problem tried to do so in the 1987 article by distinguishing that which is necessary to justify belief and that which is required to claim truth on behalf of a proposition. Nagel's position was that we can all occupy an epistemic position that would allow us to see that even the moral and religious views that we defend with most passion in our everyday lives are, at the end of the day, just beliefs, no worse, but certainly no better than those of other citizens. And so once we realize this, we should abstain from the temptation to use the coercive arm of the state to enforce what are, at the end of the day, simply beliefs. And in his 1991 book *Equality and Partiality*, he argued for a slightly different position, to the effect that *no* such common standpoint existed from which to adjudicate between positions based on controversial moral and religious beliefs, and that the state should therefore abstain from adjudicating in areas where disagreement is based on such belief (Nagel 1991).

Nagel's positions are based on a practical assumption which is contestable, namely, that the state can simply abstain from any action in areas over which people's deepest convictions are at stake. But this strikes me as simply mistaken. That the state allows citizens to act as they wish in areas where state imposition would fall foul of the principle of neutrality does not entail that the state is simply abstinent in these areas. Permissions create demands, and in some cases the state cannot avoid to some degree being active in organizing the supply that goes along with the demand thus created.[1] Take the much-discussed cases of euthanasia and abortion. People's deepest beliefs about the value of life are in play here, but such values are eminently contestable. So, on Nagel's view, reasonable opponents of abortion and euthanasia should recognize that it would be morally problematic for the state *to do anything* in these areas. The mistake Nagel and others make here is to equate "doing something" with "prohibiting". For in allowing doctors to perform abortions or to put desperately ill patients to death if they so desire, it would not simply be stepping out of the way and allowing people to carry on on the basis of their personal views. For consider: if abortion and/or euthanasia are illegal, then they are *crimes*. But if they are *not* prohibited by law, they become *medical techniques*. As such, they must be taught in medical schools, made the subjects of medical research, and the like. Funds will have to be invested and regulations enacted, which means that what looks from the kind of level of abstraction from which Nagel and other practitioners of the second path operate like abstention at ground level will look like just another kind of state *action*.

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But the second assumption latent in both of Nagel's attempts at rescuing justificatory neutrality (and, I would argue, in similar attempts made in recent work by John Rawls, Charles Larmore, and other political liberals) is the one I want to focus on here. It has to do with what it means for someone to be *reasonable*. On this view, reasonableness requires that one be able to make a sharp distinction between the beliefs on which it is appropriate to act in the private sphere, and those upon which one can act and argue in the public arena. We must avoid arguing for laws that could only be justified by invoking views which, though we feel passionately about them, look simply like one set of beliefs among others when surveyed from a point of view abstracting from these beliefs, or about which we have good reason to think that no uncoerced agreement with our fellow citizens is forthcoming.

This conception of reasonableness in turn rests upon two further assumptions, both of which I believe to be highly questionable. The first is that it is appropriate to think of that which in most people's minds lies at the basis of their political preferences and opinions simply as *beliefs*. Let me call this the "Rationalist Assumption". The second, linked to the first, is that a conception of reasonableness can be specified which is neutral among allowable conceptions of the good life, which is, as it were, purely procedural rather than substantive. Let me call this the "Neutrality Assumption".

The Rationalist Assumption is that moral reasoning is for reasonable people a process that can be thought of on the model of the drawing of logical inferences between propositions of varying degrees of generality. Our disagreements on moral issues comes from the fact that we are imperfect reasoners: we make mistakes in drawing inferences, but most importantly, the most general, abstract principles upon which we draw are underdetermined by the available evidence. In Nagel's terms, "there is a common reason in which both parties share, but from which they get different results because they cannot, being limited creatures, be expected to exercise it perfectly" (Nagel 1987: p. 234).

Among the implications of this view is that, being beliefs, my moral views are answerable before the epistemic and ethical standards that govern belief. If evidence is presented to me that clearly indicates that one of the beliefs I hold is mistaken, then I ought to abandon that belief. More subtly, if I am made to understand that the warrant for the belief in question is less than I take it to be, I must relax the degree of certainty that I attach to the belief. Underlying all of this of course is the view that my moral positions can all be expressed as determinate *propositions*.

I would submit that for many people who we would want to count as reasonable, the moral life doesn't work like that. For many people, moral positions are constitutive elements of *ways of life* rather than of sets of propositions linked by appropriate inferential links. A way of life as I understand it here is organized around *practices* (of child-rearing, of family life, of worship, of exchange, etc.) rather than around *beliefs*. People whose lives are intertwined in a way of life will tend to hold the positions they do on this or that controversial moral matter not so much because it flows from a more general abstract principle for which they think they have solid epistemic warrant, but because they cohere with the practices around which their ways of life are organized.

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Let me refer to the kinds of cognitive processes which give rise to moral judgments in this way as *practice-based* (Cf. Spinner-Halev 2005).

I would submit moreover that for *most* people, the best account of the formation and maintenance of moral belief lies somewhere between the one provided by the Rationalist Assumption and more practice-based ones. This is something that has been discussed by Jerry Cohen in his recent work. Cohen observes that, having grown up in an egalitarian household, he became an egalitarian, whereas his views would probably have been different had he grown up in a different kind of household. The general point Cohen develops is that many of our position-takings are underdetermined by evidence and rational argument, and that what at the end of the day explains (but does not justify) our espousing one set of principles rather than another is our contingent epistemic circumstances, among which figures our having been brought up in certain ways rather than in others. Yet, as Cohen observes, we do not normally think that rationality requires of us that we abandon those of our beliefs the etiology of which has been revealed to be of this nature. After all, it's not that there are *no* reasons supporting the position we happen to espouse; it's just that those reasons aren't decisively better than those supporting other principles (Cohen 2000).

The puzzle Cohen raises is that many of us if pressed would affirm standards of rational belief that not many of our own beliefs actually satisfy. Are we being systematically irrational by continuing to affirm such beliefs? While Cohen does not provide us with a determinate answer, I would argue that the appearance of systematic irrationality that his reflections give rise to stem from his having not cast the net of rationality widely enough. What we should be asking is not "Am I rational to continue affirming beliefs that are underdetermined by evidence and argument?", but rather, "Am I rational to continue affirming beliefs that are underdetermined by evidence and argument, given the relative costs and benefits of continuing to adhere to the way of life with which these beliefs are enmeshed?". There are costs associated with abandoning a way of life, and advantages to continuing to pursue the way of life in which one has been brought up, such that it may be rational to continue to affirm the judgments and position-takings which are induced by such ways of life, but which, taken in isolation, are not supported by grounds any better than those which might support opposite positions.

Unearthing the "Protestant" Assumption behind Justificatory Neutrality

What does all of this have to do with reasonableness, and with the political liberal attempt at shoring up justificatory neutrality? Justificatory neutrality requires that "reasonable" citizens be able to appreciate that the use of state coercion cannot be justified on the basis of beliefs that are by their very nature controversial, that they appreciate that though the grounds for their views might be sufficient to warrant individual belief, they are not sufficient to justify enforcement by the state. My claim is that there are some people whose moral position-takings simply do not stem from

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beliefs in the requisite sense, that is from propositions that can be conveniently hived off from the practices that make up a way of life. They cannot be "reasonable" in the manner required by this line of defense of justificatory neutrality, because the isolation of beliefs that it requires is not one that they would affirm.

A reaction open to the defender of justificatory neutrality and of its accompanying conception of reasonableness would be to claim that such people *are* in fact unreasonable, and that they ought to be treated as such when the arguments which they make in the public arena are to too great a degree influenced by ways of life which they could not possibly expect others to share. This would be an unfortunate move to make, because it would give rise to intuitively too crude a distinction between the reasonable and the unreasonable. It would tar with the same brush those unreasonable individuals whose conceptions of the good, if realized would, clearly undermine the very possibility of an open and tolerant public sphere (the neo-Nazi skinheads of so many hoary political philosophy examples), and those people who want to participate fully in the public sphere, but who want to do so on their own terms, without feeling like the price of participation is a betrayal of a highly prized way of life. I will suggest below that such an exclusion would be ethically suspect. But it would also be pragmatically dangerous. As Jeff Spinner-Halev puts it, using religious conservatives as his prime example, "excluding religious conservatives (and others) from liberal institutions will not make them more eager to compromise and negotiate. If we exclude religious conservatives, just the opposite is likely to happen" (Spinner-Halev: 2000).

But the other concern to which defenders of justificatory liberalism need to be alive is that we are *all* to *some* degree like the ideal-typical figure that I have just sketched. That is, we do not simply decide on whether or not to reject a belief, or on whether to assign greater or lesser reliability to it, on the basis of a dispassionate assessment of the evidence. These determinations are also in part caused by factors other than epistemic ones (to do with our upbringing or with our way of life) which if nothing else split the difference between sets of beliefs the epistemic warrants of which are indistinguishable. So if the ideal-typical agent whose moral convictions are *entirely* practice-based is unreasonable, then so are we, at least to some degree.

This brings me to the neutrality assumption. The hope of the defender of justificatory neutrality was, as we have seen, that we might be able to come up with a conception of reasonableness on the basis of which, regardless of our conceptions of the good, we might all be able to arrive at a consensus concerning the reasons on the basis of which it is appropriate to appeal in policy-making. This conception of reasonableness would itself be neutral among conceptions of the good. It is not itself linked to any particular conception or set of conceptions.

That this is not the case should already be apparent from what has just been said. We can consider the range of ways in which people arrive at their moral beliefs as a continuum, spanning from the extreme case of the individual whose convictions are entirely practice-based, to that of the epistemically pure believer, whose beliefs are fixed solely by a dispassionate consideration of the relevant evidence. Now all of us presumably lie somewhere between these two extremes, which in my view is already

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enough to disqualify the ideal of the reasonable person which lies at the heart of the defense of justificatory neutrality that we have just explored. Arguably, however, part of what marks conceptions of the good off from one another has to do with the manner in which they conceive of the epistemic virtues. For some, belief should come only through personal conviction and reason. For others, it is a form of hubris to want individuals to believe only that which they have been able to discover for themselves. Rather, epistemic trust should be placed in traditions, in imitation of respected elders or role-models of virtue, etc. So it is not that holders of different conceptions of the good will just happen to form beliefs in different ways. Rather, the best explanation of their holding to one set of epistemic virtues rather than another will be that this rather than that set is privileged by the conception of the good which they espouse. Epistemic standards are in the axiological domain internal to conceptions of the good, in other words.

If this is the case, then the quest for a neutral conception of reasonableness in belief-formation and reasonable assignment of degrees of reliability to our beliefs is a non-starter, for one of the things which distinguishes conceptions of the good from one another has precisely to do with the way in which they define epistemic virtues and rules. Let us call conceptions of the good that emphasize trust in tradition and authority as a way of forming beliefs "orthodox", and refer to conceptions that stress the role of the individual knower in assessing the evidence for and against different propositions "protestant". The conception of reasonableness which defenders of justificatory neutrality have emphasized is clearly, if not an element of, at least in harmony with protestant conceptions of the good, since it requires that individuals assess the warrant of the beliefs that they hold, and that they do so in abstraction of the role that such a belief might conceivably play in a way of life.

Thus, political liberalism cannot rescue justificatory neutrality from the appearance of partiality toward ethical liberalism by appealing to the kind of conception of reasonableness which liberals like Rawls, Nagel and Larmore (and deliberative democrats like Gutmann and Thompson) have tried to develop, for it seems naturally in harmony with protestant conceptions of the good. What's more, it doesn't require an enormous stretch of the imagination to appreciate that though it might not be a perfect fit, there is considerable overlap between the set of "protestants" as I have defined the term here, and the set of ethical liberals, as there is between the set of people who are "orthodox" on epistemic matters and traditionalist on first-order ethical matters. The move to reasonableness simply transposes the conflict from the ethical to the epistemic level.

A NEUTRAL CONCEPTION OF REASONABLENESS

So what is to be done? An option that is always open to the liberal is to drop the pretense of neutrality, and simply to argue that ethical liberalism is a superior way of life, and/or that protestantism is the most attractive epistemic doctrine. Liberals would thus achieve coherence by affirming their ethical and epistemic views without the pretense

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of accommodating diversity. Another option would be to make the reverse choice, and to attempt to accommodate diversity to a greater degree than liberals have heretofore been willing to do. The option that I have attempted to foreclose here is that which consists in dissimulating partisanship behind a fig-leaf of neutral proceduralism.

I admit to being of two minds as to which of the remaining plausible paths ought to be taken up. But what might the pluralist road look like? Here is a modest proposal.

One way of restating my approach to the liberal conception of neutrality and of reasonableness is to accuse the liberal of circularity. Rather than defining an independent conception of reasonableness, liberals view as reasonable those who at the end of the day form their beliefs in a way that predisposes them toward ethical liberalism. Ethical liberalism is therefore tacitly held constant. The assumption is that a liberal constitutional order is desirable; the only question is how to get non-liberals to see that, according to a standard of reasonableness that they could affirm without abandoning their conception of the good, they are being unreasonable in not acceding to it.

A non-circular approach would therefore require that we identify a property or a set of properties of social relations that would look desirable from all normative points of view, and to define reasonableness as an orientation toward the realization of these properties.

It seems a plausible assumption that people, regardless of their particular conceptions of the good, want above all other things to be able to live decently, and according to the dictates of conscience and conviction. A decent life requires the provision of a minimum level of material welfare. But what I want to emphasize here are the social conditions required in order for people to be able to live according to the dictates of their consciences. In order for all to be able to live according to their consciences, they must abstain from attempting to impose their own conceptions upon others, in particular through the controls of the coercive power of the state.

The point is an old one, at least as old as Hobbes. Though I might prefer society to be run according to what my convictions dictate, I must recognize that others might prefer that *their* beliefs be dominant. If we all act on this preference, the result might be the collectively self-defeating one in which we are *all* less able to live according to our convictions than we would have been if we had all abstained from trying to impose our views upon others. The way out of this situation (if we follow Hobbes) is to empower the state to prevent people from attempting to impose their views upon one another. For a follower of David Gauthier (Gauthier 1986), who thinks that the incentives that the Leviathan would be tasked to generate can actually be internalized by agents over the course of iterated interactions, the challenge is to develop mechanisms through which the required dispositions of character or "virtues" might be inculcated.

I want in what follows to offer a brief description of the traits of character that would jointly constitute a virtue of reasonableness that does not succumb to the charge of "protestant" bias described above.

Let me begin by unearthing what I take to be a secondary motivation of the liberal neutralist project. From one perspective, the neutralist account of justification can be seen as a deflationary strategy. Given the diversity and incommensurability of "thick"

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conceptions of the good, justification of policies backed up by the coercive apparatus of the state require that all citizens repair to a "thinner" normative standpoint independent of all particular conceptions.

But from another perspective, it is important to see that for political liberals, such a neutral standpoint is still a possible locus of *moral* consensus. It is important for them that by going beyond the perspectives afforded to us by our parochial conceptions of the good, we are still in the domain of the moral, and what's more, in a domain that makes moral consensus around the basic framework of laws and institutions that should govern society possible.

At the basis of the hope that a common moral standpoint can be identified that might underwrite society's fundamental norms is the fear of *modus vivendi*. This fear is clearest in the work of the later Rawls. Consensus on a moral minimum is in his view not only philosophically attractive, but pragmatically imperative, for in its absence the only thing that prevents us from falling into the precipice of social chaos is an easily disrupted balance of forces. If the only reason that people choose not to impose their conception of the good upon others is that they do not, at present, have the requisite weight, then, in Rawls' view, the basis upon which social peace rests is fragile indeed (Rawls 1999).

This fear strikes me as inflated, especially in the context of modern liberal democracies that have achieved a high level on institutional stability. Philosophers like Rawls who set up too stark a dichotomy between consensus and *modus vivendi* ignore dimensions of social life in modern societies that tend to make the *modus vivendi* that emerge much more stable than they might otherwise be. This is the fact that shirking a commitment, even one that has been arrived at on the basis of strategic, rather than of moral considerations, is not costless. The density and the complexity of political, social, and economic interactions is such that though one may be inclined to quit an agreement in order to secure a local advantage on one issue, it happens that we continue to need to be able to cooperate on other fronts with the people that one would be letting down. It might also be the case that we have reason to want to ensure that we will be able to cooperate with them again in the future. The *facts of interdependence* that characterize modern societies make it the case that *modus vivendi* have greater stability than would be the case in one-shot interactions between partners with no ongoing relationship beyond the particular "game" in which they are involved.

If the fears that philosophers such as Rawls have voiced with respect to *modus vivendi* are overstated, it follows that the neutrality assumption, which requires that we identify neutral but still recognizably *moral* grounds on the basis of which to justify legislation can safely be abandoned. Compromise, even when it is guided by strategic considerations, can be a sufficiently robust ground for legislation that might be acceptable to all despite their fundamental moral disagreements.

There follows a conception of reasonableness which has roughly the following form: a person is reasonable if she is stably disposed to prefer compromise over conflict in those situations in which she has to share social space with people whose views are quite different from hers. She recognizes that in a society marked by

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irreducible differences in people's moral outlooks, consensus is impossible over hotly debated moral issues. Yet she thinks it preferable to realize her values at least to some degree in a negotiated compromise with her fellow citizens then to hold out for total victory, the risk of this latter course being of course that she will suffer total defeat. As compromise rather than consensus is the goal toward which political debates aim, reasonableness will be defined not only by the preference ranking that I have just outlined, but by a set of cognate virtues and dispositions which make compromise possible: an ability to understand the value commitments of those with whom one is engaged in negotiation, and an ability to distinguish within one's own commitments that which can be sacrificed for the sake of the greater good of social peace, and that on which one must stand firm on pain of loss of integrity, and the like (Weinstock 2001; Bellamy 1999). So whereas the liberal test for reasonableness will be to the effect that a policy can be justified on the basis of a consideration only if there is a consensus around the consideration in question, or if the consideration still seems determinative when viewed from an epistemic perspective detached from all particular conceptions of the good, the pluralist test I am proposing is that a policy can be justified by appeal to a consideration or value to the extent that such a consideration or value might emerge as a compromise between citizens possessed of quite different conceptions of the good, but stably disposed to reach compromises with their fellow citizens, rather than run the risk of continued normative warfare.

A number of questions is raised by this thumbnail sketch. First, the conception of compromise that is at work here must be elucidated. It must be distinguished from two other related notions, *consensus* on one hand, and what I will term *balance of power* on the other. A consensus occurs when, in the wake of deliberation or discussion, interlocutors arrive at a position on a contested issue that they deem to be as good or superior to the one they entered discussion with. They can arrive at a new position that they all view as superior, or some interlocutors can take up the position initially held by some subset of the interlocutors involved.

A *balance of power* (as I am using the phrase) occurs when a conflict is settled in a manner that is entirely causally determined by the relative "weights" of the forces in play. In the case of a balance of power between groups that are all looking to impose their own conceptions of the good on the whole of society and its political institutions, the outcome will be in large degree determined (in a democracy) by the sheer numerical weight of the parties involved. It is important to note that a balance of power can take the form of a zero-sum game. The winner is not disposed to constrain the maximization of the satisfaction of his interests, in part because his opponent has not at the outset displayed an attitude of self-constraint.

It is quite clear that the political liberal's privileging of the notion of neutrality and of the accompanying political virtue of reasonableness is premised on the belief that the only alternative to consensus is balance of power. Either citizens of a pluralist democracy will manage to achieve a thin moral consensus on the basis of their shared commitment to the canons of reasonableness, or the outcomes of their interactions will be determined by unalloyed power politics.

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This is, however, a false dichotomy. For between consensus and balance of power, one can identify a kind of outcome that I have labeled "compromise". Though ubiquitous in the real world, compromise has not generated a great deal of philosophical analysis (Benjamin 1990, Cabulea May 2005). Yet it seems to me to be an attractive way of understanding the way in which political conflict can be handled in a context of moral disagreement.

How does compromise occur, and how does it differ from consensus on the one hand, and from balance of power, on the other? When two individuals with radically divergent conceptions of the good have to come to an agreement on a principle that will govern some aspect of their common life, they can, when faced with the impossibility of consensus, decide to reduce the moral distance that separates them by agreeing to reciprocal concessions. Rather than seeing their conceptions of the good as monolithic blocs of principles and ideals, they will attempt to distinguish aspects of their conceptions that are fundamental to their integrity, and so, non-negotiable, from dimensions that they might come to see as secondary or peripheral. Compromises can occur when, for the sake of social peace and amity, opponents are prepared to give up aspects of their comprehensive conceptions that are judged to be secondary. Compromises based on the give-and-take of reciprocal concession does not amount to consensus, since participants do not view the position that compromise drives them toward as, *in abstracto*, superior to the "maximalist" position with which they started out. Yet it differs in important ways from balances of power, since it is driven by *reciprocal* concessions, and by a shared commitment to the goal of maintaining the conditions of social cooperation. Participants in a debate geared at compromise will thus in particular abstain from exploiting their strategic advantage in a manner that might risk alienating the participation of the partner in negotiation.

There may of course be cases where what is at stake in a conflict is not a peripheral, but rather a central aspect of an agent's conception of the good, and where compromise as defined might appear to be impossible. Though I do not want to deny that such irreducible conflicts are possible, I would make the following observations. First, it could be that a practice of compromise on "easier" cases will create a capital of trust and amity that will make hard cases less intractable. Second, and relatedly, it would be a mistake to view the weightings given by groups to the different aspects of their conceptions of the good as fixed once and for all, independently of processes of social interaction and deliberation. Specifically, it could be that a disposition to view an aspect of one's conception of the good that might otherwise stand in the way of compromise as secondary will be a function of the amount of trust developed over time. In other words, it could be that in the context of relations marked by trust between groups with quite different conceptions of the good, the promise of compromise and of the social peace and amity that would follow from it would be an important determinant of the weight accorded to different aspects of one's conception of the good (Weinstock 1999).

A reasonable person would thus be possessed of the two following psychological dispositions: first, faced with the "fact of pluralism", and with the associated fact that a

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"moral state of nature" might be highly deleterious to her conception of the good, she evinces a stable preference for agreement over conflict. And second, she is prepared to make the kinds of reciprocal concessions with respect to her conception of the good that will advance the cause of agreement, provided that those with whom she seeks agreement are similarly disposed. Note that this is a procedural rather than a substantive conception of reasonableness. It does not put forward any substantive constraint as to admissible comprehensive conceptions (as conceptions of reasonableness that aim at consensus are wont to do), but rather defines a set of attitudes. The circularity that had been observed in political liberal conceptions of reasonableness, that was due to the fact that reasonableness was predicated only of comprehensive conceptions capable of affirming a thin but still recognizably moral basis for consensus, has been avoided.

Let me take a step back to survey the terrain that has been traveled. I have argued that a certain political liberal project predicated on defining neutrality and associated virtues of reasonableness in a manner "thin" enough to avoid conflicts with comprehensive conceptions of the good, but still "thick" enough to underwrite consensus on the moral bases of legislation, is doomed to failure. I have sketched in an alternative conception that would take the fact of pluralism more seriously than the political liberal does, and that would define reasonableness as a set of dispositions geared at the achievement of compromise rather than consensus.

I am aware that such a view might seem repellent to many who are not willing to run the risk that public policy will be tinged by the views of those with whom they disagree fundamentally. I confess to being unsure as to whether I am inclined toward the pluralist conception of reasonableness that I have just outlined, or toward a full-bloodedly perfectionist liberalism. My intention in this paper has not been so much to argue for one or the other, but rather to show the untenability of the comforting but ultimately untenable middle ground of the political liberal, and to suggest the way in which a more resolutely Hobbesian approach to the problem of pluralism might proceed.

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Note

[1] I take this point to be akin to that developed by Holmes and Sunstein in *The Cost of Rights*. See Holmes and Sunstein 2000.

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