THE STABILITY OF A REASONABLE

POLITICAL ORDER

A Dissertation

Presented to the Faculty of the Graduate School

of Cornell University

in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

by

John-Paul Timothy Erdel

August 2019

THE STABILITY OF A REASONABLE POLITICAL ORDER

John-Paul Timothy Erdel, Ph.D.

Cornell University, 2019

This two-part work describes the governmental virtue of reasonableness and defends the possibility of a stable and reasonable political order. More precisely, it defends the claim that by evincing reasonableness, some political orders, or systems of governmental custom and law, realistically could obtain citizens' stable support.

Part One gives a unified account of the reasonableness of actions, persons, and institutions. It begins with general reflection upon whether governmental virtue is worth discussing and how it could be identified. It then reviews several accounts of the virtue of reasonableness, ultimately defending the following account: that reasonableness consists of conscientiously distributed, favorable responsiveness toward (purported) reasons that interacting parties justifiably believe would be offered in good faith, were they to discuss their (purported) reasons with each other. This account rejects three ideas endorsed in the literature: that treating others reasonably requires treating them in line with justifications that are acceptable from their own perspectives, that it is not unreasonable for us to decline to treat others reasonably when they are unwilling to exhibit reasonableness toward us, and that empathy is at the core of reasonableness.

Part Two addresses John Rawls's famous problem of how a liberal, democratic political order could obtain stable support, given that such an order is bound to result in ideological pluralism. This second part argues that the citizens of a pluralistic society would not firmly commit themselves to the Rawlsian account of justice or

any other specific account of justice. (To state this with Rawlsian jargon: it is unrealistic to hope for an "overlapping consensus" on any particular view of justice.) The dissertation then proposes that a democratic political order could achieve stable allegiance by evincing a tendency toward reasonable governance – that is, governance performed so as to realize well-being and justice on subjects' diverse terms. Rulers are advised to govern reasonably by making room for several different moral conceptions in a society's customs and laws. They could do this by promoting a culture of neighborliness between citizens; by facilitating the recognition of group rights; and, in response to especially intractable, pervasive, and geographically delineated disagreement, by permitting considerable regional autonomy. While these proposals allow governance to aim at promoting the good, they are not perfectionist, for they encourage the promotion of a plurality of opposing conceptions of the good. Nor do they advocate neutrality: reasonable governance need not preclude favoring some conceptions of the good over others in the society as a whole.

BIOGRAPHICAL SKETCH

John-Paul Timothy Erdel was born in 1981, in Quito. He was brought up in the Ecuadorian cities of Esmeraldas, Quito, and Guayaquil. This was the happiest period of his life. Then, in 2000, he moved to the United States.

In 2004, John-Paul received his B.A. in history and in philosophy from Bethel College in Mishawaka, Indiana. A year later, he moved to Ithaca, New York, to study philosophy in the graduate program at Cornell University. His M.A. was conferred in 2010.

He returned to Indiana in 2012 to live nearer to his family.

ACKNOWLEDGMENTS

Ithaca is gorgeous but dreary. On this, John Rawls and I agree with one another. Here is one biographer's account:

Though professionally content at Cornell, Rawls considered the university's

> location a major disadvantage. Ithaca is a small town in upstate New York, hundreds of miles away from the nearest cultural centers of New York City, Princeton, Philadelphia, Baltimore, and Boston. While the region is beautiful, it has severe winters, which tend to intensify the feeling of isolation.[1]

Leaving Ithaca was therapeutic. I did not, however, yearn for "cultural centers" as Rawls seems to have done. I moved back to northern Indiana, where I lived for seven epiphanous years and wrote and rewrote various passages in this dissertation. At first, Kenny Prawat was my longsuffering flatmate. Then, when he took a wife, I was welcomed into the house of my sister, Mary Erdel, and her husband, Martin Ufkin, who were extremely kind. I especially thank Martin for alerting me to a part-time clerical job with the South Bend Community School Corporation that I performed for five semesters.

I also worked at Indiana University South Bend, tutoring for the Academic Centers for Excellence and briefly teaching first-year writing for the Department of English. These jobs allowed me to glimpse the operations of a small, state-run college campus. I am grateful to Andrew DeSelm, who helped me to get hired, and to the school's librarians, who provided books from the various campuses of Indiana University. I also am glad for the collegiality my fellow writing tutors.

To improve my situation, I'd need to find love, Dick Miller used to tell me.

With Karin Erdel, I found romantic love. She has made a wonderful difference to my life – and to this dissertation, not least by supporting it financially. She endured

---

[1]Thomas Pogge, *John Rawls*, p. 17.

many hours when I was writing and could not attend to her, or to our household, as we would have wished. I thank her for her sacrifice.

My parents, Dave and Lolly Erdel, also loved me tremendously. They, too, gave encouragement and money. And when I lived in Ithaca, I was sustained by regular telephone conversations with three people: David and Stephen Erdel (my brothers) and Cristian Mihut.

As an undergraduate at Bethel College, I worked for Clyde Root, who directed the library. Clyde got back in touch with me in the spring of 2018 and urged me to to finish writing the dissertation. He also read and commented on a few sections in Chapters I and II. No one else helped with such determination. And Victoria Erdel, my delightful cousin, nearly jumped up and down when I asked her to lend me certain books. No one else helped so enthusiastically.

When Karin and I announced our intention to travel to Ithaca for my "B" exam, Bob Eagle, Karin's grandfather, lent his car; my brother Stephen and his wife, Edoarda Pérez, lent their E-ZPass; and my grandparents, Paul and Ruth Erdel, gave money. I am grateful for their help.

Many people prayed for me. I can't list them all. I do, however, wish to name some generous members of Ithaca's Salvation Army Corps. During my seven years in Ithaca, these friends made it their routine, on Sundays, to buy lunch for me; and though we tended to disagree about politics, they always encouraged and accepted me. This dissertation is lovingly dedicated to four retired "officer" couples:

- "Sunshine" and Walter Guldenschuh;

- Ernest Payton (d. 2017) and Joan Payton;

- George and Grace Payton, who asked to be acknowledged here;

and

- Frank and Yvonne Payton, who are my favorites.

TABLE OF CONTENTS

INTRODUCTION

Unless you were perverse, you wouldn't wish for constant political upheaval in your society.[1] I don't just mean that you'd wish to avoid living under the threat of violence, in what Thomas Hobbes describes as "a time of war, where every man is enemy to every man."[2] I mean that you would prefer to avoid constant *nonviolent* upheaval as well. Even in democracies that enjoy peaceful governmental transitions, regimes often dismantle the achievements of their predecessors, only for *their* achievements to be dismantled in turn. When bureaucracies, patterns of ownership, major laws, and other formal and informal institutions are constantly uprooted – not gradually or in a single and decisive revolution, but dramatically and repeatedly – then any improvement that requires long-term cultivation becomes unattainable; or, at least, its attainment is badly impeded.

Many of us desire our governing regimes to be instruments of progress. We who

---

[1] One indication that democratic societies are deeply pluralistic is that even this seemingly obvious claim must be qualified. Few people would desire political upheaval for its own sake; however, a good number of people do believe that political upheaval and other calamities will help to bring about God's final rule. Many would agree with Peter van Inwagen's suggestion that "it is a part of God's plan of Atonement" that all people, including atheists and believers in secular progress, become aware "that something is pretty wrong and that this wrongness is a consequence of the intrinsic inability of human beings to devise a manner of life that is anything but hideous" ("The Magnitude, Duration, and Distribution of Evil: A Theodicy," p. 174). Someone who accepted this view might welcome political upheaval as a corrective to the belief that humans are able to govern themselves effectively without God's help.

I wouldn't necessarily count such a person as perverse; indeed, I believe that van Inwagen's suggestion might be true, and that if it is, constant political upheaval probably would be a good thing on the whole. But this doesn't prevent me from recognizing that it is also a very costly thing. Thus, in this work, I am concerned with figuring out how upheaval might be avoided.

[2] Such a "war" is described by Thomas Hobbes in *Leviathan*, Part I, Ch. XVIII, para. 9 (p. 76 in the edition listed in the bibliography of this dissertation).

wish for this have an especially clear reason not to desire our political institutions to be overhauled willy-nilly: instruments are useful only while they exist. However, those who would leave the good to be cultivated by private agents rather than by a governing regime also have reason to prefer continuity. Private agents effectively pursue long-term goals only when circumstances are predictable.

In the first nightmarish scenario, then, "there is no place for industry," whether in service of material or social improvement, by governments or by private citizens, "because the fruit thereof is uncertain."[3] Although these words of Hobbes's describe a scenario of war, the same is true of any major threat of disruption in political continuity. Violence is one form of disruption, but there are others.

Hobbes proposes a straightforward way of achieving political continuity. This is to institute a governing regime that monopolizes the right to make an official or "public" determination of the good.[4] Such a regime would even have the right to make a public determination of which religious (and other "metaphysical") beliefs were true. As Hobbes says, even if "a private man always has the liberty (because thought is free) to believe or not believe, in his heart" a particular tenet of faith, "when it comes to confession of that faith, the private reason must submit to the public."[5]

Because there would be only one official determination of the good – the determination of the ruling regime – there would be no official basis for overturning that

---

[3] *Ibid.*, Part I, Ch. XVIII, para. 9 (p. 76).

[4] Here I follow the interpretation of Hobbes laid out by Gerald F. Gaus in "Public Reason Liberalism."

[5] Thomas Hobbes, *Leviathan*, Part III, Ch. XXXVII, para. 13 (p. 300). This passage is concerned, specifically, with a tenet having to do with miracles. It is cited in Gerald F. Gaus, "Public Reason Liberalism," at p. 115.

regime. Political disagreement simply wouldn't arise outside of the private sphere. Of course, if a monopoly of power weren't also granted to the rulers, disgruntled private persons might try to overturn the regime by unofficial means, threatening continuity. Therefore, Hobbes proposes that a ruling regime monopolize power also.[6]

If power were monopolized by the rulers, however, Hobbes's absolutist scenario might seem even worse than the scenario of upheaval. That is, it would seem nightmarish to those who observed their rulers promoting something other than what they privately considered to be the true good. If the problem with upheaval is that it hinders the efficiency of bringing about the true good, the problem with having a secure regime that follows a mistaken conception of the good is that it closes off the possibility of attaining the true good.

To most people, then, Hobbes's proposal would seem very risky. It would be tolerable to a person only if the governing regime adopted her own view of the good rather than some other view. Given the vast number of possible conceptions of the good, a person would have to be very lucky for the regime to settle precisely on her own conception.

Moreover, even then, a person lucky in this respect might find herself alienated from or pitying those whose private ideals conflict with the official ideals of the regime. She might regret that the government intentionally hinders other citizens from living according to their own ideals.

The previous paragraph raises considerations of a different sort than any previously described. Up until that paragraph, the two nightmarish scenarios are so-

---

[6]Thomas Hobbes, *Leviathan*, Part II, Ch. XVIII (pp. 110–118).

characterized because, from an *individual's* point of view, neither scenario is desirable. Upheaval is said to be undesirable as an impediment to progress, as the individual conceives it. Hobbesian absolutism is said to be undesirable as a risk to the very possibility of promoting what the individual considers to be the true good. None of this involves taking others' conceptions of the good into account.

One important qualification should be mentioned. Insofar as others' conceptions of the good are seen to influence the promotion of the individual's own conception of the good, the individual would accord them some secondary importance. For example, the utilitarian whose ideal is to maximize the general happiness would find it necessary to take into account the unhappiness that others suffer when their ideals are not promoted by the ruling regime. But this is not a very deep form of concern about others' ideals. Even if the utilitarian were to recognize the need to take others' ideals into account, she needn't *directly* concern herself about others' ideals. She may continue to allow herself to be directly influenced only by her own perspective.

The earlier, italicized paragraph goes beyond this way of thinking. It suggests that one might wish to take others' ideals into account *directly, just because they are the ideals of those other people*. Here are some factors that might lead one into thinking in this way, even if one's own ideals happened to be favored by the ruling regime:

(1) One might esteem others, and, consequently, find value in the expression of their ideals.

(2) One might simply be tenderhearted toward others.

(3) One might wish not to be alienated from others. If I am a Presbyterian and you are a Roman Catholic, and the government endorses Presbyterianism as the sole official moral outlook, (3a) you may come to envy me. Or (3b) you may find it

necessary to keep apart from me in order to safely practice your religion. In either case, I may regret that we are alienated from one another – for my sake, and for yours.

Any of the factors just listed might influence a person independently of the conception of the good with which she identifies. However, they also might influence a person *because* of her conception of the good. Consider, again, the utilitarian whose ideal is to maximize the general happiness. One strategy for maximizing happiness that she might adopt is to always calculate how much happiness she could expect to generate from each potential course of action. This strategy would involve always acting directly for the sake of the general happiness. But a strategy that promises to be more effective is for her to promote happiness indirectly by making herself into the sort of person who acts directly for others, who is directly responsive to their concerns without thinking of the general happiness first.[7]

Moreover, this indirect strategy may be thought to effectively promote all sorts of goods besides the general happiness. Thus, it might be adopted by the adherents of other ethical and religious ideals besides the utilitarian one.[8] To give one obvious example, Christians may try to love God better by becoming directly concerned for their human neighbors.

Due to either non-ideological or ideological considerations, then, a person might

---

[7]The indirect approach to promoting one's conception of the good has been widely discussed. The example of the utilitarian is taken from Peter Railton's "Alienation, Consequentialism, and the Demands of Morality."

[8]Peter Railton, in "Alienation, Consequentialism, and the Demands of Morality," endorses this point without arguing for it. In Ch. IV of this dissertation, I will explain how *reasonableness*, a particular virtue that expresses direct concern for others, might be considered desirable from a variety of ethical and religious perspectives.

oppose Hobbesian absolutism for the sakes of those whose views conflict with the ruling regime's official conception of the good. It is this sort of person – the one who is directly concerned that others be able to promote the good as they see fit – to whom much recent political philosophy is addressed.

This dissertation follows in that tradition. It tries to steer society away from both the nightmarish scenario of political upheaval and that of absolutism. Furthermore, it exalts responsiveness to others. It seeks political continuity, but only through courses of action that, as far as possible, avoid oppressing people for what they practice and affirm as a matter of conscience.

So far, in describing the first nightmarish scenario, I have used the term "discontinuity" and its antonym, "continuity," rather than the terms "instability" and "stability." I am now going to switch to the latter set of terms. How are these pairs of terms different from each other? Well, sometimes, casual acquaintances ask what my dissertation is about, and I tell them that it's concerned with how to achieve political stability. My interlocutors are usually very interested to hear this. They tell me that the problem of instability is an acute one for society at this time (I am living in the United States). They say that they wish someone would figure out how the country could be stable, and they question me in detail about my ideas. The project has immediate relevance for them. (How many other philosophical dissertation topics would attract such a response?)

On the other hand, if I say that I'm trying to answer the question of how to achieve political *continuity*, my interlocutors don't find the project as gripping. Continuity, as a governmental value, is something that must be *argued* for (as I've done, briefly, at the beginning of this introduction). The importance of continuity is not

instantly obvious. Nor does it provoke such an *emotional* response. Nor do people immediately diagnose the United States as facing a serious political discontinuity problem. They quickly point to such enduring institutions as the U.S. Constitution. They are able to at least begin to argue that the country is characterized by political continuity rather than by its opposite.

In political contexts, the term "stability" has a special urgency for many people because, for them, it means more than governmental continuity. It connotes healthy, harmonious relations among citizens and between citizens and their government. One underlying idea seems to be that even if a government functions well enough, its status is precarious if citizens demonize it (and each other) for expressing mistaken moralities. The balance of power may allow the governmental state of affairs to be momentarily tenable; but there is always the danger that due to citizens' antagonistic attitudes, the balance will be upset, coalitions and other agreements will unravel, and upheaval will occur. Another underlying idea is that discord is lamentable in itself. Whichever of the underlying ideas is most prominent, it seems that when people long for their society to achieve a stability that they consider to be lacking, they are expressing an ideal of responsiveness between fellow citizens, and they take this to be a component of the stability that they desire.

This is the kind of stability that John Rawls refers to when talks of "stability for the right reasons," contrasting it with a mere modus vivendi basis for governance.[9] Rawls's goal – which I share – is to defend the realistic possibility of a political order that earns its subjects' stable support because the subjects are satisfied not just that the government promotes the good, or maintains circumstances that allow private

---

[9]John Rawls, *Political Liberalism*.

citizens to promote the good, but that it does so in a way that is responsive to what they *and* their fellow citizens are concerned about.

Like Rawls, I offer a "moral key" for achieving stability. That is, like Rawls, I highlight a component of morality that, if cultivated through political custom and law, would promote stability in the ways that I have described. For Rawls, the "moral key" to be implemented is a conception of justice that citizens would be motivated to give their allegiance to. I argue against this strategy in Chapter III. Then, in Chapter IV, I argue that a different "moral key," the virtue of *reasonableness*, could mitigate instability if a political order were to cultivate it in certain ways.

The stability problem, however, will not occupy me until Part Two of the dissertation. Part One is concerned with describing what this "moral key," the virtue of reasonableness, is.

Of course, there are many different kinds of reasonableness. I'll survey them in some detail in Chapter II. The kind of reasonableness that I am interested in describing, with an eye toward the stability problem, is "reasonableness as responsiveness," or "R-reasonableness." I analyze that virtue and argue against three misconceptions about it endorsed in the literature: that treating others reasonably requires treating them in line with justifications that are acceptable from their own perspectives, that it is not unreasonable for us to decline to treat others reasonably when they are unwilling to exhibit reasonableness toward us, and that empathy is at the core of reasonableness.

It's hazardous to appeal to reasonableness in political argument. As Richard J. Arneson observes, there exists "a tendency" in discussing reasonableness "to slide from the status of trivial to that of tendentious without any intervening argument,

as the theorist quietly introduces her cherished opinions as to whether this or that seems reasonable."[10]

In this work, then, I wish to *loudly* state my opinions about whether this or that seems reasonable, and to do so with *some* intervening argument.

I won't *always* be able to provide intervening argument. To specify which concept of reasonableness I mean to employ, and then to explain why this concept should be understood as I understand it, I'll need to present my unargued opinions about certain cases. But I hope that these opinions won't be controversial, and that they can be used to support judgments about reasonableness that *are* controversial.

As Arneson's quip indicates, reasonableness is much invoked in contemporary moral and political philosophy. As far as I can tell, however, only two other philosophers, Anthony Simon Laden and Christopher McMahon, have explictly aimed, in substantial and somewhat recent projects, to do precisely what I am setting out to do in Part One of this work, which is to clarify the ordinary moral concept of reasonableness.[11] Interestingly, Laden's book, *Reasonably Radical* – whose view of reasonableness I prefer (though I admire both) – is not cited at all by McMahon. The latter's most recent book, *Reasonableness and Fairness*, appeared in November of 2016, well after my ideas about reasonableness had been settled.[12] Our accounts of reason-

---

[10]Richard J. Arneson, "The Priority of the Right Over the Good Rides Again," p. 172. In this passage, Arneson criticizes the appeal to reasonableness in T. M. Scanlon's famous article, "Contractualism and Utilitarianism."

[11]Some writers *have* discussed how reasonableness is treated in the philosophical literature. Margaret Moore, in "On Reasonableness" – an article of twelve pages – attempts to clarify the concept of reasonableness as discussed in the writings of John Rawls, T. M. Scanlon, and Brian Barry. (Some important works – especially, Scanlon's *What We Owe to Each Other* – appear in print *after* Moore's 1996 article.) However, Moore doesn't try to connect these philosophical writings to ordinary thinking about reasonableness.

[12]During the unsettled period, I did benefit from one of the book's ancestral articles,

ableness differ, as will be evident from my discussion in Chapter II. It has been interesting, though, to discover that one of the only other persons to have embarked upon a similarly arduous exploration of reasonableness has been visiting some of the same exotic terrain. In particular, McMahon's book and this dissertation both digress upon the reign of King James II of England. In no way did McMahon lead me to James; nor did I lead him; nor do we make similar points about James.[13] Even so, James is a notable figure in both of our histories of reasonableness-related concepts. This coincidence, to me, suggests that at least a part of our exploring has covered pertinent historical ground.

Before I analyze what the virtue of reasonableness is, however, I sketch an account, in Chapter I, of what governmental virtue is and how such virtues could be identified. It is one thing to discuss the virtues of a human being; it is another to discuss the virtues of a country, a law, or a political order (a system of governmental customs and laws). I offer some suggestions for how to do this. Then, in Chapter II, when I analyze what the virtue of reasonableness is, I try to give a formulation that applies not only to persons and actions but also to institutions. Chapter I helps to explain how it is possible to do this.

"Rawls, Reciprocity, and the Barely Reasonable," which McMahon published in 2014; and from his 2009 book, *Reasonable Disagreement*.

[13]McMahon and I follow opposing interpreters of the Glorious Revolution: McMahon follows Steve Pincus, and I follow Scott Sowerby. For my discussion of King James, see Ch. II, pp. 49–53.

PART ONE.   A CONCEPTION OF GOVERNMENTAL REASONABLENESS

CHAPTER I.   GOVERNMENTAL VIRTUE

Introduction

By discussing reasonableness, I intend to make some progress toward answering the question "What governmental institutions and behaviors are virtuous?" This question might seem straightforward enough. Even so, I'll begin this chapter by clarifying it. Philosophers commonly use such terms as "virtuous" and "virtue" more narrowly than I'll use them.

Also, in this chapter, I am going to defend my project from those whose who would insist that political theorizing be concerned with deontic matters first and with virtue only afterward. Anna Stilz gives one statement of this view: "Before we theorize *how* a state should rule ... we must explain why it has any *right* to rule."[1] I'll discuss several possibilities that theorists have tended to ignore: that deontic governmental questions – e.g., Stilz's "right to rule" question – are not answerable in any interesting, general way; that these questions, if answerable, are impractical to

---

[1]This quotation is from Anna Stilz's review of *Boundaries of Authority* by A. John Simmons. The italics are in Stilz's review. Simmons's works – especially his book, *Moral Principles and Political Obligations*, and his articles collected in *Justification and Legitimacy* – have helped to keep questions of rights and obligations at the top of the agenda for many of today's political philosophers.

answer; that if they are not worth trying to answer, we can still make progress on questions about virtuous ruling; and that even if deontic questions *are* worth trying to answer, we might try to answer them by referring to the virtues with which the ruling is done.

I'll then argue that governmental virtues are more difficult to identify than other common virtues. Nevertheless, I'll offer some suggestions for identifying them. Finally, I'll remark upon a few of the most commonly discussed governmental virtues.

Defining "Virtue"

When I look in my trusty Merriam-Webster, I see that "virtuous" means "having or exhibiting virtue." "Virtue" can mean the following:

(a) "a particular moral excellence," or

(b) "a beneficial quality or power of a thing," or

(c) "a commendable quality or trait" (in which case, the dictionary says, it is a synonym of "merit").[2]

I take it that (a) and (b) define subcategories of the more general category defined by (c). It seems that (a) is included in (c): a trait that is a moral excellence is, as such, a commendable one, but there are traits that are commendable without implying excellence or morality. Having a nice appearance is one such trait. Similarly, it seems that (b) is included in (c): a beneficial trait is, as such, a commendable one, but some traits may be commendable without being beneficial. An example, again, is the trait

---

[2]I quote these definitions from the entries for "virtuous" and "virtue" in Merriam-Webster, though not in that dictionary's order. (Unless I indicate otherwise, any dictionary definitions I employ are from https://www.merriam-webster.com.)

of having a nice appearance (or even that of having a beautiful or excellent appearance). It seems that the third dictionary definition, then, is the broadest one, and it is the one I shall employ.

Let me briefly note how I am *not* going to use the term "virtue." Aristotle and his followers in the Virtue Ethics tradition[3] use "virtue" only to describe something narrower even than what is described in Merriam-Webster's definition (a). They wish to characterize what moral excellence is for a *human being*. I, however, wish to discuss virtue in a much broader sense.

By "virtuous," I simply mean commendable, or meritorious, or having virtues. And by "virtues," I do not mean excellences. That characterization would be too narrow because it would be too perfectionistic, too superlative. (We commend people for doing well, even if they are not doing excellently.) Nor, by "virtues," do I mean merits possessed stably or characteristically by their possessors. I do not wish to adopt a definition which, by itself, would refute Thomas Hurka, who notes that an agent can be commended for having exhibited some virtue, even if it is not a very characteristic one for *her* to exhibit.[4] Instead, by "virtues," I simply mean merits. These are to be contrasted with "indifferents" (attributes that are neither merits nor the opposite) and also with such "demerits" as blemishes, flaws, and faults (superlative or not; stable or not).

In line with this usage, virtues need not be psychological traits. Here, again, I

---

[3]This tradition looks back to Aristotle's *Nicomachean Ethics* and *Politics*. Its recent members include such moral theorists as Rosalind Hursthouse (*On Virtue Ethics*), as well as such political theorists as Alasdair MacIntyre (*After Virtue* and *Whose Justice? Which Rationality?*) and Michael Sandel (*Democracy's Discontent*).

[4]Thomas Hurka, "Virtuous Act, Virtuous Disposition."

refuse to narrow the concept as the Aristotelians do.[5] Virtues can be traits of non-minded things. Typically, a good knife has sharpness as a virtue. Virtues can also be traits of things that are not *things*, i.e., not concrete artifacts or substances. They can be traits of action-types, for example; or of procedures, or of institutions.

Because of the common philosophical emphasis upon *human* virtue, which many philosophers take to be connected to mentality, one might expect the term "virtue" not to be used for evaluating social institutions – traditions, doctrines, laws, and governmental regimes – all of which appear to lack minds. Famously, however, John Rawls does so use the term.[6] My goal is to see where we arrive, following his lead. In this dissertation, I'll focus upon a certain virtue, reasonableness, that Rawls makes much of. I'll discuss what it is, as well as its import for political philosophy.

Now, back to this chapter's initial question, what governmental behaviors and institutions are virtuous. Why this question? For there are others which, to moderns at least, seem more urgent. For example: "What political obligations, if any, do citizens have?" and "Under what circumstances is there a moral right to govern?"

Virtue, Not Rightness

The initial question is a question of value, in the same neighborhood as "What governmental behaviors and institutions are fine, or good?" The more urgent-seeming

---

[5]Or as David Hume's account does, which "defines virtue to be *whatever mental action or quality gives to a spectator the pleasing sentiment of approbation*; and vice the contrary" (*An Enquiry concerning the Principles of Morals*, p. 160 [appendix 1, para. 10]; italics in the original). Furthermore, while I maintain that a virtue is a commendable quality, I don't insist on defining it in terms of a spectator's approbation, as Hume does. I leave it open what being a commendable quality consists in.

[6]Rawls says: "Justice is the first virtue of social institutions" (*A Theory of Justice*, p. 3). This quotation will be revisited later in this chapter, at p. 32.

questions, on the other hand, are deontic. That is, they have to do with rightness or obligation, with permissibility or justifiability, or with rights.[7] (For brevity's sake, I'll discuss only the concept of rightness.) I'll try not to spend much time on the deontic questions. In particular, I'll avoid describing, *for right governance*, any (interesting) sufficient or necessary conditions. There are four reasons for this.

The first reason is that giving conditions of right governance may be too hard to do. I doubt that anyone knows the world, or even his or her own country, well enough to say anything very insightful about the general conditions that obtain when governance is right. *Extensive* governance, such as that exercised by modern states, is complicated. It takes many different forms. It affects people whose experiences and judgments I can't comprehend. And it bears on values which I and my fellow hardheaded, analytic, anglophonic philosophers are largely oblivious to, values which may seem absolutely crucial to members of other societies – or to the political philosophers of the future.

---

[7]*Morality* sometimes is thought to be a deontic matter. That is, moral issues are thought to be about rightness (and/or rights): if an issue merely is one of value, it is not quite one of morality.

The abortion debate provides an illustration. It's common to interpret Don Marquis's article "Why Abortion Is Immoral" as arguing that abortion is wrong. David Boonin reads Marquis's article in this way (*A Defense of Abortion*, p. 57), perhaps because Marquis speculates about "morally permissible abortions" ("Why Abortion Is Immoral," p. 210). However, I won't use the term "moral" in this narrow fashion. I'll characterize certain virtues or vices as moral or immoral regardless of how they may be related to deontic attributes.

Here, I follow the lead of Rosalind Hursthouse, who also writes about the abortion debate. In "Virtue Theory and Abortion," Hursthouse says that even if a woman has the right to have an abortion, "*nothing* follows from this supposition about the morality of abortion . . . once it is noted . . . that in exercising a moral right, I can do something cruel, or callous, or selfish, light-minded, self-righteous, stupid, inconsiderate, disloyal, dishonest – that is, act viciously" (p. 235; italics in the original). Boonin agrees: "The claim that an action is permissible does not justify the conclusion that it is not morally criticizable" (*A Defense of Abortion*, p. 7). When I write of moral vice or virtue, I write of what is morally criticizable or commendable.

On the other hand, I'm confident that I understand some characteristics which would make governments and governing more or less *meritorious*. Clearly, a government that lowers the murder rate, beautifies the land, and improves the standard of living exhibits certain merits, even if they happen to be outweighed by demerits; these things are to the government's credit. If I hesitate to say what generally delimits governing that is *right* – especially, "right, all things considered" – it's because I don't know nearly all that should be considered. But I do know some things.

The second reason for not giving conditions of right governance is that this concept may *have no* interesting delimiting conditions.[8] It may turn out to be a "family resemblance" concept.[9] Though this possibility is not usually made explicit, I don't know how to argue against it, and so I'm wary of ruling it out at the beginning of my inquiry.[10]

The good news is, we can improve our understanding of a "family resemblance" concept even if we can't delimit it. Even if not all members of the Erdel family have the Erdel nose – and even if some people who don't resemble the Erdels do have it – the question of what the Erdels look like is at least partly answered by giving a description of the Erdel nose. One truth about the concept of looking like an Erdel is that it can be applied to people at least partly by virtue of their having the Erdel

---

[8]I mean, it may have no substantive or non-formal delimiting conditions. Obviously, governance is right if and only if it's governance that is right. And so on.

[9]"Family resemblance" concepts are discussed in Ludwig Wittgenstein's *Philosophical Investigations*.

[10]Developing a suggestion from Gerald F. Gaus's *Political Concepts and Political Theories*, David Schmidtz argues in *Elements of Justice* that justice is a "family resemblance" concept. Schmidtz may be correct; and if one of the things which would contribute to the determination of rightness should turn out to be a matter of "family resemblance," then why not rightness, also?

nose. Now, why shouldn't the concept of right governance also be like this? It might turn out that some governance is right, or is on its way to being right, by virtue of having a certain merit, M, even if not all right governance has M.

My aim is to give an account of one governmental merit. To do this is hardly to give a *full* account of what makes an act of governing right to do. But it is to describe what would be a component of a full account if a full account were sought after.

A third reason for not insisting upon the priority of questions about governmental rightness is that the concept of rightness – in all its applications, governmental and nongovernmental – is considered with suspicion by many people. Here I am not referring to those moral skeptics who maintain that all moral evaluation is untrue, unknowable, or in some other way defective.[11] Rather, I mean those who are wary only of rightness.

Consider those who endorse a "scalar" account of the morality of action. These philosophers – scalar consequentialists – admit only the different degrees of value that an action might produce, and not its rightness or wrongness.[12] Thus, Alastair Norcross says:

> Consequentialist theories such as utilitarianism are best understood purely as theories of the comparative value of alternative actions, not as theories of

---

[11]Classic proponents of wholesale moral skepticism include Alfred Jules Ayer (*Language, Truth and Logic*) and J. L. Mackie (*Ethics*). A more recent wholesale moral skeptic is Richard Joyce (*The Myth of Morality*). Extreme moral eliminativism is rare, however. Even Joyce does not recommend that we jettison morality altogether; he recommends adopting an attitude of pretense that ignores what he considers to be morality's theoretical untenability.

[12]There also are scalar deontologists, philosophers who treat rightness itself as purely a matter of degree. (See H. A. Prichard, "Letter from Prichard to Ross," and, for discussion, Thomas Hurka, *British Ethical Theorists from Sidgwick to Ewing*, pp. 76–77.) While scalar deontologists retain a role for rightness in moral theory, it isn't clear how their view would fit with the "rightness first" approach to politics.

right and wrong that demand, forbid, or permit the performance of certain actions. Consequentialist morality ... provides reasons for actions, without issuing demands (or permissions).[13]

However, such theories could still leave room for the virtues, which could be interpreted as attributes that are good-making (though not demand-generating).

The urgency of asking "When is it right for X to rule?" is based on the assurance that the scalar view is false. But I doubt whether scalar morality has been given its due by political philosophers. Their silence on this topic reflects a chasm between the professionals and the general public.[14] People do often wonder if morality is a domain not of black or white but only of different shades of gray.[15]

The fourth reason for not focusing upon governmental rightness is that perhaps it is impractical to do so. Perhaps even if rightness is *theoretically* central, other aspects of morality should be given more attention in our day-to-day ethical reasoning. Perhaps rightness and other deontic concepts are "red herrings" – concepts that, while intelligible, are impractical to attend to – though virtue is not one.

---

[13] Alastair Norcross, "Reasons Without Demands," p. 38.

[14] C. S. Lewis, the popular Christian moralist, occasionally writes as if a scalar view of morality were true:

> Many people cannot be brought to realise that when B is better than C, A may be even better than B. They like thinking in terms of good and bad, not of good, better, and best, or bad, worse and worst. ... They ask what you think of duelling. If you reply that it is far better to forgive a man than to fight a duel with him, but that even a duel might be better than lifelong enmity ... they go away complaining that you would not give them a straight answer. (*Mere Christianity*, pp. 92–93)

Lewis applies this scalar framework to matrimonial morality. Divorce, like dueling or like amputating a limb, is bad, but there can be worse options; romantic love is a good motive, but there can be better ones. (Lewis does not answer the charge of evasion.)

[15] However, in applying the grayness metaphor, people often equivocate or fail to distinguish between the difficulty of *knowing* what is right and indeterminacy in the *nature* of rightness. For an example of this, see Brian Dannelly's movie *Saved!* at 1:21:20–1:21:48.

Again, let me illustrate by discussing a version of consequentialism. It's often noted that act utilitarianism, which assesses acts as right or wrong, does not specify whether people should be very concerned with attributions of rightness and wrongness. Peter Railton says: "Act utilitarianism does not tell us to maximize episodes of right action; its concern is only and always with maximizing utility."[16] Since utility is often maximized by aiming at something other than right action,[17] act utilitarians may play down the importance of thinking about rightness, and they may do so for reasons stemming from their own theory of rightness.

Moreover, as Railton tells us, "one can accept an act-utilitarian account of rightness in action . . . without believing that all moral evaluation is based at bottom upon evaluations of the rightness of acts."[18] This raises the question: if there are several distinct areas of moral evaluation (as far as an act utilitarian can tell), then which area does act utilitarianism direct us to prioritize in our evaluative labor? Perhaps our circumstances are such that the right thing to do according to act utilitarianism is to prioritize virtue and not rightness in our political thinking. (Adherents of other deontic theories may reach similar conclusions.[19])

My motive for listing all these "skeptical" and "family resemblance" and "scalar" and "red herring" approaches to right governance isn't to favor Aristotelian Virtue

---

[16]Peter Railton, "How Thinking about Character and Utilitarianism Might Lead to Rethinking the Character of Utilitarianism," pp. 232–233.

[17]Railton, for one, develops this idea more thoroughly in "Alienation, Consequentialism, and the Demands of Morality." The strategic benefit of pursuing a good indirectly is noted much earlier in Joseph Butler's *Fifteen Sermons Preached at the Rolls Chapel*.

[18]Peter Railton, "How Thinking about Character and Utilitarianism Might Lead to Rethinking the Character of Utilitarianism," p. 233.

[19]This, too, is suggested in Peter Railton's "Alienation, Consequentialism, and the Demands of Morality," though it is not argued for there.

Ethics: I already have said that I'm not joining in that tradition. Nor is it to disparage any of the deontic views I've mentioned: those views were brought up just for illustration's sake. Rather, my motive is to drive home three points. (1) The search for governmental rightness is hardly easy. (2) Certain considerations against engaging in this search have not yet been ruled out by political philosophers. And (3) even if governmental rightness should turn out to be as important as its investigators presuppose it to be, it doesn't follow that the study of rightness should take priority over the study of virtue.

I believe that non-deontic approaches to morality are worth exploring in their own right. But I also would conjecture that by some incomplete and roundabout route, they might help us to understand what sort of governing it is right to do. (That is, if it should turn out to be worthwhile for us to try to know what sort of governing it is right to do – a question upon which I am declining to take a stand.)

Let me try to describe my project's connection to deontic issues in one other way. A. John Simmons has distinguished between political *legitimacy* and political *justification*. According to Simmons, the former concept has to do with the special relationship that a political entity bears to its subjects: what a governmental regime may rightly do to, and expect from, the people who reside in the territory it controls. This concept is deontic. But so also is the concept of justification, which has to do with those traits of a political entity that help to make its establishment and continuation right, or at least permissible.[20]

My own project can be thought of as an exercise in political justification in Sim-

---

[20]A. John Simmons, "Justification and Legitimacy."

mons's sense – but only up to a point. In later chapters, I *will* be concerned with describing reasonableness, which is a certain good-making feature, or virtue, of governmental actions and regimes. I *won't* be concerned with whether a regime's possessing this virtue generates a moral duty (or permission) to uphold the regime.

Identifying Governmental Virtue: The "Natural" Strategy

Having explained my decision not to frame my future arguments in terms of rightness, I am able to begin exploring the virtues. How, then, are they to be identified?

Theologians divide knowledge of God's attributes into what is known "naturally" and what is mystically "revealed." So shall I divide the ways of knowing the virtues. I'll begin with what seems the most promising "natural" strategy.

To figure out what it is for a toaster to be good, you might begin by looking at particular toasters that seem good to you, and then you might generalize about which of their qualities make them good. You'll be especially well-placed to do this once you've acquainted yourself with many toasters.

Similarly, to learn about the virtues of a human person, (1) you might look at particular people whom you recognize as good (the Pope, or maybe your grandmother). Then, (2) you might try to determine which of this person's qualities constitute his or her goodness. Finally, (3) you would compare this person to other seemingly good people – other goodness paradigms. This would allow you to refine your generalizations about which personal qualities are the good-making ones.

The process is a familiar one to sports fans, who are practiced in the art of comparing dissimilar paradigms so as to identify the good traits of those who play a given

sport. For example, at the height of Spain's footballing dominance, I was in the thrall of such midfielders as Xabi Alonso and Xavi Hernández. I agreed with them that being able to "tackle" or steal the ball from a dribbler is not a true virtue in soccer.[21] These days, however, I think that this ability *is* a true footballing virtue, even if not all excellent players exhibit it. I have come to appreciate this quality by watching a manifestly great midfielder whose playing style is very different from that of Xabi Alonso and Xavi Hernández: the Frenchman, N'Golo Kanté.

This strategy for identifying the virtues – looking at a variety of paradigms and then "distilling" the virtues from them[22] – may not be the only natural way of learn-

---

[21]As Xabi Alonso puts it:

> I don't think tackling is a quality. . . . It is a *recurso*, something you have to resort to, not a characteristic of your game. At Liverpool . . . you'd read an interview with a lad from the youth team. They'd ask: age, heroes, strong points, etc. He'd reply: "Shooting and tackling." I can't get into my head that football development would educate tackling as a quality, something to learn, to teach, a characteristic of your play. How can that be a way of seeing the game? I just don't understand football in those terms. Tackling is a [last] resort, and you will need it, but it isn't a quality to aspire to, a definition. It's hard to change because it's so rooted in the English football culture, but I don't understand it. (Quoted in Side Lowe, "Xabi Alonso: 'Spain Benefited from Players Going to England'")

And Xavi Hernández: "You watch Liverpool and [Jamie] Carragher wins the ball and boots it into the stands and the fans applaud. There's a roar! [At Barcelona,] they'd never applaud that" (quoted in Sid Lowe, "I'm a Romantic, Says Xavi, Heartbeat of Barcelona and Spain").

[22]Note that I am proposing an exemplarist theory of the epistemology of virtue, not of what constitutes virtue. Linda Trinkaus Zagzebski develops a theory of the latter sort in her book *Exemplarist Moral Theory*.

Roderick Chisholm distinguishes two questions: "*What* do we know?" and "How are we to decide, in any particular case, *whether* we know?" (*Theory of Knowledge*, p. 120; italics in the original). He notes that beginning with one of these questions rather than with the other makes a difference to one's epistemology. My "natural" strategy for identifying the virtues assumes that it's all right for us to begin with Chisholm's first question. That is, we can begin with known paradigms of goodness. Not everyone will agree, however: some philosophers are committed "methodists." (On which question to begin with, see also Roderick Chisholm,

ing about goodness. (Even before any toaster prototypes were built, the inventor of toasters probably had some knowledge of what a good toaster would be.) But this way of learning is employed intuitively and often; and, as I'll go on to emphasize, it's employed by a great many of us in the polity – not just by philosophers. At least, it's employed when paradigms *can* be looked at. You may well have become acquainted with many different toasters, and among them many lovely ones. You may or may not have known many good people – as the title of Flannery O'Connor's story memorably has it, "a good man is hard to find" – but, probably, you've known *quite a few* people, some of whom have stood out for their goodness, some of whom may even have been saintly.[23]

With governments, this isn't the case. Distilling the virtues from them isn't so straightforward. Even a very well-traveled, well-read person is unlikely to become closely acquainted with more than a handful of governments. Regimes, and the societies they rule over, are distant from each other in space and time; they are large and complex; they are cunningly guarded and depicted; and so they cannot be compared in any very reliable manner. Even a safe-seeming judgment about the goodness of a particular government is likely to be contested. Moreover, it's doubtful that you could extrapolate about governmental virtue just from what you've experienced of

---

The Problem of the Criterion.)

[23]In "Moral Saints," Susan Wolf famously says: "I don't know whether there are any moral saints" (p. 419). When my brother, David, first read this, his reaction was: "What's wrong with her? Hasn't she *met* any saints?"

Still, it might be thought that no one is an *indisputable* goodness paradigm. Consider, for example, how Christopher Hitchens, in *The Missionary Position*, attempts to "debunk" the virtue of even the widely admired Mother Teresa of Calcutta. My reply is that this "debunking" occurs at the refining stage of moral thinking – the third stage listed above – and not at the stage of initial paradigm identification. (Moreover, for a scathing criticism of Hitchens's "debunking" of Mother Teresa's virtue, and of the "debunking" of goodness paradigms in general, see Simon Leys, "An Empire of Ugliness.")

your own locality. At least, you couldn't do so any better than a child could extrapolate about human goodness just from having been acquainted with his own parents.

Here, then, is the problem. Because of how difficult it is to know a government in any large measure, it's also difficult to credibly point to one and say, "*That* government is exemplary," as one might do with a person or a toaster. It's harder, still, to find a *variety* of exemplary governments to point to. But without a variety of paradigms to look to, how are the good-making qualities of governments to be identified? To answer this, we must distinguish between two kinds of governmental virtue: instrumental and impersonal virtue. A trait is an instrumental virtue just in case its goodness (at least partly) consists in being *good for* or *good to* people. A trait is an impersonal virtue just in case its goodness (at least partly) is independent of person-centered goodness.[24] (Let's allow that one trait could be a virtue of both these types.)

Whether a government is impersonally virtuous tends to be very hard for people to agree upon. Maybe it is possible to perceive an impersonal virtue: grandeur, for instance. Very often, however, the perception of an impersonal virtue will be contested as soon as that trait is seen to be costly. Though the architectural grandeur of Egypt and Mesoamerica is hard to dispute, not everyone will be convinced that this obviously costly trait is a *virtue* of those ancient societies. The problem is not that cost outweighs impersonal virtue; it's that cost throws uncertainty about imper-

---

[24]My characterization of some virtues as "impersonal" modifies how this term is used by Jeff McMahan in his article "The Moral Problem of Predation." For McMahan, something is *impersonally valuable* when its value is independent of what is good for any sentient being (including non-persons, or at least non-humans).

McMahan's use of the term is misleading, especially since in the article in which he employs the term, he discusses ethical questions about non-human species. As he uses the term, something that is good for a horse but not good for a human being would not thereby have impersonal value.

sonal virtue into stark relief. For example, when we read Shirley Jackson's story, "The Lottery," we are disturbed by the deadly ritual described therein precisely because while the ritual's harms are so clear, its alleged impersonal merit is so dimly understood.

It's easier, though, to agree on whether a trait is an instrumental governmental virtue. To repeat an earlier example: if a regime lowers the murder rate, that is to its credit. No one would dispute this.[25] And yet the difficulty remains: few of us have enough knowledge of enough governments to be warranted in treating any one regime as a paradigm of goodness. Why, then, does this difficulty not undermine our knowledge that a government exhibits a virtue if it lowers the murder rate?

The answer is that when we are considering whether a government is instrumentally virtuous, we can broaden our field of relevant paradigms. That is, we don't have to restrict our paradigm search to governmental regimes. We are no longer asking what are the virtues of governments *as such*. If we know that the good trait that we are asking about is good because it is *good for* or *good to* human beings, then we can accept as virtuous any entity – any regime, law, belief-system, etc. – that performs one of these functions.

Defenders of certain governmental institutions argue in this way. G. A. Cohen proposes that socialist societies would have merit because their members would treat each other well, as friends on a camping trip treat each other when they unselfishly coordinate their tasks.[26] To refute this argument, it isn't enough to show that a

---

[25]Cf. p. 16. Another earlier claim – that if a regime beautifies the land, that is to its credit – would not be agreed upon so widely or so readily. But that is to be expected, since many people are likely to think of the virtue of beautifying the land as primarily impersonal.

[26]G. A. Cohen, *Why Not Socialism?*

regime-governed society is not a camping trip. One may reject a camping trip as a relevant paradigm, but not because it is a different sort of thing than the large-scale society to which it is likened.

Furthermore, *anti*-statists also use this argumentative strategy. They decry the viciousness of large, coercive entities – modern states – by comparing them to more tractable paradigms of badness such as individual thieves, extortionists, kidnappers, murderers, and the like.[27]

I shall contend that reasonableness is identifiable as a virtue because it is *good for* or *good to* people. Different naturalistic lines of reasoning, which I will examine in Chapter IV, give different explanations of why this is so. The important point, for now, is that the virtues (and vices) of large governmental entities such as nation-states can be identified even if our knowledge of such entities isn't firm enough for us to treat any of them as paradigms of goodness. If the virtue in question is instrumental, then we can know that it is a virtue because more tractable paradigms exhibit it.

Identifying Governmental Virtue: Divine Revelation

The "natural" strategy for identifying virtue must be supplemented, however. One task of this dissertation is to sketch an account of governance that could *realistically* be implemented (not just implemented in theory). It's desirable, then, that my account of governmental virtue be agreeable to as many citizens as possible. That is, the account should be agreeable to religious citizens as well as to non-religious ones, because societies typically include a large number of religious citizens. Furthermore,

---

[27]For example, this style of argument is developed by Michael Huemer in *The Problem of Political Authority*.

many religious citizens claim that divine revelation is the principal, or only, source of people's knowledge of the good. The present section, then, will be concerned with several ways in which governmental virtue can be identified on the basis of divine revelation, on the assumption that divine revelation is a source of knowledge.

Within prominent religious traditions, it's common for moral truths to be presented by way of decree, as in Judaism's Ten Commandments. Interestingly, however, these traditions also depict much divinely revealed moral knowledge to be achievable through a process similar to that described in the previous section. Humans are portrayed as identifying the virtues by attending to paradigms and then reasoning about them. This famously occurs in a New Testament passage on the virtue of *neighborliness*. When Jesus narrates the Parable of the Good Samaritan, he describes one human exemplar of neighborliness and two others who lack that trait. He then allows his listeners to make the proper inferences about which kinds of agents and behaviors exemplify this virtue.[28]

The religious "paradigm" approach differs from its naturalistic counterpart in at least two ways. First, unlike naturally discerned paradigms, divinely revealed paradigms are thought to enjoy God's endorsement. Their status as paradigms is therefore as secure as that endorsement is. Paradigmatic status cannot be revoked by committed religious believers on the basis of mere reflection. Second, once revelation is accepted, the range of paradigms can be allowed to expand. Large societies and their governments can be recognized as morally paradigmatic – and not only because they are seen to share certain merits or demerits with exemplary persons.

---

[28]Luke 10:25–37. All verses quoted in this section are from *The Holy Bible: New International Version*. For an exemplar-based discussion of a different virtue, *faith*, see Hebrews 11.

If God reveals that Sodom, Babylon, and Rome are paradigms of vice, then that is enough for the religious believer to treat them as such and to construct moral analogies between them and other societies. If God says that a certain regime governed virtuously, then the religious believer has reason to draw a general lesson about governmental virtue. (Similarly, entities that are beyond our natural acquaintance – angelic and demonic beings, for instance, or God Himself – can serve as paradigms if God so characterizes them.)

When a reader of sacred texts understands that virtue can be divinely revealed by way of paradigms, she will be able to interpret sacred texts as relevant to governance in a way that eludes a reader who is not attuned to paradigms. Here it's instructive to consider how Richard Swinburne, a prominent philosopher of religion, misreads the Bible. In his book on divine revelation – the major recent philosophical discussion of that topic – Swinburne endorses a common view about the New Testament's treatment of governance:

> There is no New Testament teaching or agreed early church teaching about the laws or institutions which Christians should seek to get embodied in any future state over which they had influence. Rather, the New Testament and early church teaching takes for granted the existence of various kinds of government and legal systems . . . and has little to say about which are legitimate or the best. It was concerned almost entirely with how individual Christians should act towards others within the bounds of such systems, and also with how the Church itself should be organized.[29]

Swinburne is mistaken, and not only because he fails to recognize the Roman Empire as a New Testament paradigm of governmental wickedness and the "New Jerusalem" as one of governmental virtue.[30] Swinburne also fails to acknowledge

---

[29]Richard Swinburne, *Revelation*, pp. 296–297.

[30]Perhaps Swinburne makes his mistake because he focuses exclusively on deontic con-

that inferences can be made from truths about human virtue to truths about governmental virtue. Consider the attribute of *being a peacemaker*, whose bearers are identified by Jesus – himself a peacemaking paradigm – as "blessed" in Matthew 5:9. This trait is an instrumental virtue because it is good *for* people. Peacemaking *institutions*, then, are meritorious in the same way that individual human peacemakers are. In particular, governmental regimes can have merit by virtue of their peacemaking.[31]

One of the tasks of Chapter IV will be to show that both of the global religions – Christianity and Islam – endorse the virtuousness of governmental reasonableness on the basis of revelation.

A "First" Virtue?

Once virtues are identified, it might be asked: which virtue is it most important for a government to have? Is there a governmental virtue that grounds all others? I won't try to answer such questions. I'll focus upon reasonableness; and yet I don't mean to suggest that reasonableness outranks the other governmental virtues, or that it's in any way fundamental. We need not assume that good governance must *recognize* which is the most important virtue. It may come closest to realizing that virtue, and others, by focusing upon a different one.

Before I turn to reasonableness in the next chapter, I'll briefly discuss two of the

---

cepts in his discussion of God's revelation for human practice. He scans the New Testament for *commands* about governance, and finds none. The closest he comes to talking about virtue, as something good but conceptually distinct from the obligatory, is when he discusses the supererogatory. (See Richard Swinburne, *Revelation*, pp. 86, 92, and 295.)

[31]In *The Politics of Jesus*, John Howard Yoder presents this style of argument, though he stops short of attributing merit to *secular* governmental regimes. Whether peace is to be promoted through coercion and war, on the one hand, or through strict nonviolence, on the other, is a matter of theological dispute.

more commonly mentioned governmental virtues and how they may be related to each other. These virtues are legitimacy and justice. (The virtue of stability already has been discussed in the introduction.)

Legitimacy

I already have mentioned one deontic notion of legitimacy: the notion of what it is permissible for a government to *do* to its particular subjects. Governmental actions are said to be legitimate when they meet certain criteria, such as being in line with the subjects' consent[32] or with associative duties (duties arising from the special relations that rulers bear to their subjects).

A slightly different deontic notion of legitimacy may be ascribed, in the first instance, to rulers rather than to their actions. A ruler, or a ruling regime, may be characterized as legitimate (or as authoritative) by virtue of possessing the right to rule the subjects in question. Derivatively, a governmental action may be described as legitimate when it is performed by an entity that bears this right.

We might be tempted to stipulate that rulers and ruling regimes exhibit the *virtue* of legitimacy when they act within their rights, or when they do what it's permissible for them to do. Indeed, if we accept one or the other of the deontic notions, we must admit that there is some virtue in those who behave in accordance with it. But, as I have said, I wish to leave aside the deontic issues.

Instead, I now wish to discuss a non-deontic kind of legitimacy that also may be considered a virtue. To get a handle on it, let us first consider the idea of legitimacy

---

[32]Either explicit or tacit, and either actual or hypothetical.

famously described by Max Weber. Weber characterizes his own purely descriptive sort of legitimacy in terms of belief. A government is legitimate, in Weber's sense, when its subjects *believe* it to be legitimate in some evaluative sense (e.g., in one of the deontic senses described above). As Weber puts it: "The basis of every system of authority, and correspondingly of every kind of willingness to obey, is a *belief*, a belief by virtue of which persons exercising authority are lent prestige."[33]

The legitimacy that *I* wish to focus upon – and which I consider to be a virtue – is like Weberian legitimacy in being constituted by the attitudes of those who are ruled. But its constitutive attitude, *endorsement*, is broader than belief. The key idea is that a government, or its behavior, is legitimate when it is endorsed by the governed. Subjects need not *believe* that a government, say, is legitimate in some evaluative sense (though they may do so). They must only endorse it above its rivals.

This, I am sure, is a commonsensical conception of legitimacy. To see this, consider that proponents of democratic ideals often employ it when they discuss electoral outcomes. If there is a suspicion that a regime has committed electoral fraud, proponents of democracy question the legitimacy of that regime. Often, they do not *primarily* question the regime's legitimacy out of a concern for correct procedure ("Did the regime win the election according to the rules?") – although they may view following the rules as *instrumental* for securing legitimacy. Rather, they are concerned that governance express the "collective will" of the subjects.

Why is legitimacy, so construed, a virtue? The answer is that it's important for the non-absolutist achievement of governmental stability, and that stability, in turn, is a

---

[33]Max Weber, *The Theory of Social and Economic Organization*, p. 382; italics in the original.

virtue at least partly because it's good *for* people. Recall, from the introduction, that stability seems necessary for the effective promotion of other governmental virtues, instrumental and impersonal; and that its absence involves discord between citizens.

Justice

"Justice," Rawls says, "is the first virtue of social institutions." That is, "laws and institutions no matter how efficient and well-arranged must be reformed or abolished if unjust."[34]

These words seem to imply that no other institutional virtue may be cultivated at the expense of justice: not legitimacy, not stability, not efficiency, etc. It's no small task to determine why, or indeed if, this is correct. Yet those who give priority to a different virtue of institutions tend not to play up the tensions between justice and whichever virtue they happen to favor. Instead, they try to reconcile justice with that virtue. They may even suggest that justice be understood in terms of it.[35] And so they try to "make room" for justice. Few theorists seriously propose that some other virtue be cultivated to the detriment of justice.

In Part Two of the dissertation, I'll argue that if a government were to give absolute priority to justice, strictly enforcing what it considered to be a true, or even approximately true, conception of justice, then it would almost certainly undermine itself, forfeiting stability. Thus it would not effectively promote justice or other virtues.[36] My position does not quite entail that stability is more important

---

[34]John Rawls, *A Theory of Justice*, p. 3.

[35]For example, John Stuart Mill argues that justice should be understood in terms of utility. See his *Utilitarianism*, Ch. V, "On the Connection between Justice and Utility."

[36]Rawls is well aware of the danger of governmental instability. Already in his first major

than justice, for it says that stability gains much of its importance from its role in promoting other virtues, among which justice is included. But it does commend a certain degree of forbearance in the pursuit of justice. Those who would give justice absolute priority might well not be pleased. Of course, a few citizens would hold that certain injustices may never be performed. But not all those whose ideologies conflict somewhat with the pursuit of stability must hold their ideologies in such an absolutist manner. I believe that few would reject my recommendations for achieving stability because of absolutist reasons.

Giving absolute priority to a specific conception of justice, or to legitimacy in some deontic sense, involves privileging the right over the good – a commitment shared by Rawls and Simmons, among others. Some will defend this commitment by claiming that what really matters in our political theorizing is the question of what to do: that is, what matters is that we figure out what political choices to make. They will characterize the task of political philosophy as *guiding action*. And, in what follows – and especially in Part Two – I do offer advice about how reasonable persons and institutions *might* proceed, about how it is *good* for them to proceed. But I don't claim that in proceeding in the ways I recommend, persons and institutions hit the *target of rightness*. For example, I doubt that what I advocate would be in line with the proper sort of consent that political action must be in line with if it's to count as deontically legitimate, if the consent theory of political legitimacy should turn out

work, *A Theory of Justice*, he gives stability considerable attention. It has seemed to some commentators that in his subsequent writings – and especially in *Political Liberalism* – he removes justice from its pedestal and places stability there instead. (See, for example, Brian Barry, "John Rawls and the Search for Stability.") I do not wish to enter into this complicated interpretive problem, and I hope that my examination in Ch. III of the Rawlsian quest for stability doesn't commit itself to a view on whether Rawls, in his later work, comes to give stability priority over justice.

to be true. But I am not very concerned about this. My goal will be met if I am able to point out a good place in which to end up, even if this isn't the "right" place that many philosophers set out to find.

CHAPTER II.   REASONABLENESS

Introduction

Having dealt with preliminary issues, in this chapter I shall turn my attention to reasonableness, the governmental virtue that is the focus of this dissertation. Because there are various kinds of reasonableness, my first task will be to specify which kind I mean to talk about. I'll present some dictionary definitions, locate them within a rough taxonomy, and steer the discussion toward a particular region of that taxonomy. At one point, I'll digress to talk about an historical example. This digression will suggest that the reasonableness in the highlighted region of the taxonomy has been a topic of ordinary discourse for at least three hundred years. (Moreover, in Chapter IV, I'll trace the history of thinking about this sort of reasonableness approximately two thousand years further back into the Judeo-Christian past. Reasonableness is not just an ordinary concept: it is an ancient one.)

By doing these things, I shall have honed in upon a particular *concept* of reasonableness: the concept of *responsiveness to purported practical reasons*. I'll then survey and criticize what various philosophers have said about this concept. That is, I'll discuss different philosophical *conceptions*, or specific accounts, of the concept of reasonableness that interests me. Finally, I'll articulate and defend my own conception of this concept of reasonableness. (Rawls, of course, is responsible for promulgating the distinction between a concept and its various conceptions.[1])

Let's briefly consider how conceptions may differ in extent, taking the concept

_____

[1]John Rawls, *A Theory of Justice*, p. 5.

of justice as our example. Rawls's account of justice, "justice as fairness," is one conception, or fleshing out, of that concept.[2] Brian Barry's account of justice, "justice as impartiality," is a conception that competes with Rawls's.[3] These conceptions purport to explain their concept in terms of a few principles. However, not all conceptions must do so. This point is made by David Schmidtz, who sketches a conception of justice that is deliberately "incomplete, like a map [of a neighborhood] whose author declines to speculate about unexplored avenues, knowing there is a truth of the matter yet leaving those parts of the map blank."[4]

The conception of reasonableness that I shall go on to defend is meant to be complete in the following sense. It is meant to include a succinct, significant condition of something's being reasonable – a condition that is both necessary and sufficient. Unlike "family resemblance" concepts, the concept of reasonableness that I intend to discuss *is* analyzable – or so this condition suggests. (And even if the sufficiency of my proposed condition is rejected, I hope that its necessity will be believable and powerful enough to support the political conclusions of Part Two of this dissertation.)

My conception of reasonableness will be shown to have certain theoretical merits. First, it's an intuitive conception. It explains intuitions about reasonableness that arise when people consider particular situations.

---

[2] *Ibid.*

[3] Brian Barry, *Justice as Impartiality*.

[4] David Schmidtz, *Elements of Justice*, p. 4.

Strictly speaking, Rawls's own conception of justice is not meant to be complete. He sets aside "such topics as the theory of punishment, the doctrine of just war, and the justification of the various ways of opposing unjust regimes," as well as "questions of compensatory justice" (see John Rawls, *A Theory of Justice*, p. 8).

Second, my conception fits well with the idea that reasonableness is a virtuous trait. Moreover, this fit does not depend on any one philosophical or religious outlook. It can be based on different belief systems. (This fact may help to explain why the conception can be expected to be intuitive for many people.) However, I'll wait until Chapter IV to discuss how different belief systems can make room for reasonableness as a virtue.

Third, on the conception of the reasonableness that interests me, the trait can be said to belong to many different sorts of things: actions, persons, doctrines, arguments, laws, governments, traditions, and so on. This accords with common usage. It's also theoretically tidy, because the conception does not posit different kinds of reasonableness for different entities. One kind fits them all.

Before I move on, I also should make it clear why it matters that my conception of reasonableness be *ordinary*. What if the virtue that I characterize and defend should turn out to be one that is *not* widely recognized as a virtue? What cost is there if my project in this chapter should be turn out to be "revisionary" rather than "descriptive?"[5] Here, it helps to keep in mind the overall goal of the dissertation, which is to explain how a liberal, democratic society could be stable, so that its governance is effective and so that its citizens regard their ideological opponents as fellow moral agents to be sympathized with and helped rather than as enemies to be overcome. To meet this goal, I work within the tradition that tries to identify a moral principle or virtue with which many people can identify and which can serve as a unifying moral motive. Rawls's *Political Liberalism* is a part of this tradition: its unifying

---

[5]Here I borrow the contrast from P. F. Strawson's *Individuals*, applying it to an ethical project rather than a metaphysical one.

moral principle is a certain conception of justice. However, one reason why I think Rawls's project fails is that his conception of justice is not ordinary enough: it is one competitor among many, whose advantages are perhaps best expressed through technicalities. I agree with Michael Ignatieff that a principle or virtue that can play a unifying role must be one that people already are familiar with (even if they have not articulated it).[6] I discuss these issues more extensively in Part Two.

Dictionary Definitions

To pinpoint the kind of reasonableness that I wish to discuss, I'll again commence with Merriam-Webster, which defines "reasonable" as follows:

(a) "being in accordance with reason"; or

(b) "having the faculty of reason"; or

(c) "possessing strong judgment"; or

(d) "not extreme or excessive"; or

(e) "inexpensive"; or

(f) "moderate; fair."[7]

In this list, certain themes are prominent. The theme of "being in accordance with reason" arguably runs through all six definitions. But what is "reason"? In definition (b), reason is a faculty. In (c), this faculty is specified as *judgment* that is "strong." Presumably, "strong" here means something like "realiable" or "competent."

---

[6]See Michael Ignatieff, *The Ordinary Virtues*.

[7]As with "virtue," discussed in Ch. I, the source is Merriam-Webster's online dictionary (https://www.merriam-webster.com). Once again, I have reordered the definitions.

On the other hand, the broadest definition, (a), doesn't rule out that "reason" might be some standard or ideal (genuine or merely purported). Furthermore, the content of such a standard or ideal is suggested by definitions (d), (e), and (f). The shared theme of these three definitions is that of avoiding extremes (or excesses, to use evaluative language). One special case, excessive expense, is singled out for avoidance by definition (e). This doesn't yet point to anything *moral*. A course of action, for instance, may be commended as inexpensive because of considerations that are merely prudential. Definition (f), however, mentions fairness, which typically does involve morality.

Legal definitions of reasonableness can be interpreted as reflecting the themes of definitions (a)–(f). Indeed, though they are more technical, legal definitions often fail to distinguish between different themes in (a)–(f).

Let's first consider the theme of moderation. Many laws hinge upon the reasonableness of persons, as well as the reasonableness of such attitudes as expectations and doubts. Often, whether a particular attitude is reasonable is thought to depend on whether a reasonable person would hold it. Reasonable persons, in turn, are characterized by way of ostentation at least as much as by way of fulfilling necessary and sufficient conditions. For example, the *Oxford Dictionary of Law* defines a reasonable person as "an *ordinary* citizen, famously referred to by Lord Devlin as the 'man on the Clapham omnibus.'"[8]

What characterizes this ordinary citizen? Perhaps it's that he exemplifies a moderate, or typical, range of attitudes – in his learning and, presumably, in his moral

---

[8]Jonathan Law, *Oxford Dictionary of Law*, p. 513; my italics.

sensibilities. His attitudes are neither those of a (relative) genius nor those of a (relative) cretin. They are neither those of a saint nor those of a monster. His reasonableness is determined by how he stacks up against his peers. This comparative quality is evident from how the *Oxford Dictionary*'s definition continues:

> The standard of care in actions for negligence is based on what a reasonable person might be expected to do considering the circumstances and the foreseeable consequences. The standard is not entirely uniform: *a lower standard is expected of a child, but a higher standard is expected of someone, such as a doctor, who purports to possess a special skill.*[9]

However, legal ideas of reasonableness also can be interpreted as emphasizing human faculties rather than moderation or any other standard. In a criminal court, the notion of proof beyond reasonable doubt "is often paraphrased by the judge instructing the jury that they must be 'satisfied so that they are sure' of the guilt of the accused."[10] Whether a juror's doubt is reasonable can be said to depend on whether it accords with a determination of certainty made by her faculty of judgment. Furthermore, Lord Devlin's quip about a reasonable person's being the "man on the Clapham omnibus" can be read as making the point that reasonableness is relative to the usual human faculties. Finally, the same idea can be read into the distinction between what a child may reasonably expect and what an adult may reasonably expect. Whether a child's expectation is reasonable is relative to a child's faculties, and whether an adult's expectation is reasonable is relative to an adult's faculties.

To give other examples would merely prolong the discussion. As far as I can tell, legal dictionary definitions of "reasonableness" add little to the definitions in

---

[9] *Ibid.*, p. 513; my italics.
[10] *Ibid.*, p. 487.

Merriam-Webster. These, then, are all the dictionary definitions that I shall examine. They convey the themes of most of the philosophical accounts of reasonableness that I'll go on to discuss. These themes are enough to help me to begin my taxonomy of reasonableness concepts.

Faculty-Based Reasonableness

I've suggested that the idea of according with reason runs through all the dictionary definitions of "reasonable." One interpretation of this idea is that for something to be reasonable is for it to be adequately related to a reasoning faculty, such as judgment.[11] In this section, I'll focus upon this way of characterizing reasonableness. (I'll call reasonableness, so-characterized, "F-reasonableness.")

My first point is that different sorts of things will be said to be F-reasonable by virtue of standing in different relations to a reasoning faculty. A reasonable state of mind, such as a reasonable belief, will be *issued from* such a faculty; but a reasonable person will *possess* such a faculty. Or, perhaps, a reasonable person will *believe or act upon* what is issued from such a faculty (or what is issued from a reasoning faculty together with other faculties). On this latter sort of view, a person acquires her F-reasonableness only indirectly, through her reasonable states of mind.

The faculty-based reasonableness of a governmental regime also must be in-direct. On standard views of the mind, a collective such as a ruling regime does not, itself, reason, though it may be constituted by people who do reason.[12] The F-

---

[11]Recall, from p. 38 of the previous section, Merriam-Webster's definitions (b) and (c).

[12]Margaret Gilbert, in a long series of works – *On Social Facts*, *Living Together*, *Sociality and Responsibility*, and *Joint Commitment* – gives what I consider to be the best account of reasoning by groups. She draws political conclusions from this account in her book *A Theory*

reasonableness of governmental actions, policies, and traditions, however, may be more directly related to a reasoning faculty if these things are understood as acts (or attitudes) that are generated from the faculties of agents.

In short, then, faculty-related notions of reasonableness don't all posit the same degree of immediacy between the faculty of reasoning and whatever it is that is being characterized as reasonable. Consequently, when we say that a belief, person, or government is F-reasonable, we don't attribute the same trait, with the same moral importance, to all these things. But this consequence leads to a problem for anyone who would wish to ground her political theorizing upon a virtue of F-reasonableness.

The problem can be explained through the following example. Suppose that a certain governmental command is F-reasonable, and, as such, virtuous, on the basis of its having been generated by the reasoning faculties of those who rule. The ruling is done by people whose decisions reflect the reasoning of most of the citizens (perhaps this stipulation makes the command more F-reasonable than it would be if the rulers *didn't* decide in accordance with most citizens' reasoning). Suppose, also, that one of the citizens acts against this command, her decision having been generated by *her own* reasoning faculty. To avoid complications: stipulate, also, that her reasoning takes into account what is generated by others' reasoning.

It's hardly clear that our citizen acts with inferior faculty-related reasonableness than if she'd done otherwise. Though her decision goes against the reasoning of most of her fellow citizens, it stems immediately from her own reasoning. If she were to act against her own judgment but in line with the government's command, then (1)

---

of Political Obligation. However, Gilbert does not posit that a group, such as a ruling regime, has a *faculty* of reasoning.

F-reasonableness could be attributed to her action only *indirectly*, i.e., through the reasonableness of that command; and (2) this F-reasonableness would be traced back to *others'* faculties, not to *her own*. But it's doubtful whether indirect F-reasonableness could matter more than immediate F-reasonableness in an assessment of overall F-reasonableness. Worse, it's doubtful whether an act could be F-reasonable at all if it were opposed to the agent's own reasoning.

If we can't determine that when our citizen acts against the government's command, she acts with inferior F-reasonableness than if she'd done otherwise, then we can't criticize her disobedience as F-unreasonable. But this diminishes the value of F-unreasonabless as a standard of evaluation. In cases in which we clearly can condemn someone for acting F-unreasonably, we condemn him only for going against what his faculty of judgment delivers. In deep political disputes, however, this is hardly the typical sort of case. Conflicting parties typically can be assumed to act in line with the deliverances of their own faculties.

Philosophers sometimes adopt a notion of reasonableness without highlighting that what they have in mind is a faculty-based notion. Usually, however, they adopt some constraint on the reasoning to which reasonableness is connected. In this section, I've been describing F-reasonableness as if it were an attribute traceable to *any* use, competent or incompetent, of a reasoning faculty. But some philosophers insist that F-reasonableness is virtuous only when it is associated with competent reasoning. Christopher McMahon characterizes the reasonableness of disagreement in this way, tracing it back to the competencies of the disagreeing reasoners:

> 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.[13]

And a little later: "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."[14]

Clearly, these quotations speak of a *standard* of reason. But they also refer to the *vehicle* by which this standard is approached – what McMahon calls "reasoning that is fully competent," or "best efforts." What McMahon, in effect, is describing is reasoning generated through a faculty that functions properly or reliably. (These standards for reasoning are epistemically external to the chain of reasoning itself. My next section focuses upon internalist epistemic standards.)

Placing a constraint of full competence upon this faculty doesn't dissolve the problem for theorizing with F-reasonableness that I described earlier. Indeed, it makes the problem more difficult. If we stipulate that our non-compliant citizen and her political opponents are all reasoning with full competence, then we can't appeal to the virtue of F-reasonableness to commend one of their competing positions above the other. McMahon recognizes this, and so, for him, reasonableness *generates* political problems rather than helping to solve them.[15]

---

[13]Christopher McMahon, *Reasonable Disagreement*, p. 1.

[14]*Ibid.*, p. 2.

[15]McMahon later ascribes a problem-limiting role to reasonableness in his book *Reasonableness and Fairness*, which I'll discuss on pp. 96–103. He distinguishes "reasonableness as competence" from "reasonableness as concession," a notion of reasonableness much closer to that which interests me. (McMahon also distinguishes between reasonablenesses in his article "Rawls, Reciprocity, and the Barely Reasonable.")

It might also be suggested that one party will reason more competently than the others, and that its verdicts should carry the day. But which party reasons most competently will be controversial, and so this suggestion is of little help.

Reasonableness as Adherence to an Epistemic Standard

The first division in the reasonableness taxonomy is between faculty-based notions of reasonableness, which I have just discussed, and notions based on ideals or standards. Within this latter group, we can distinguish between reasonableness in connection with (internalist) epistemic standards and reasonableness in connection with practical standards. The present section discusses the first of these categories.

One might expect "reasonable," as a term that describes an epistemic ideal, to be conspicuous in the writings of epistemologists. But it isn't. Even when it's restricted to some epistemic sense, the word is used with greater intended heft in political discussions.

To illustrate: an echo of the doctrine of epistemic fallibilism can be heard in Stanley Fish's account of how liberals think of reasonableness. "An open mind, a mind ready at any moment to jettison even its most cherished convictions," writes Fish, "is the very definition of 'reasonable' in a post-Enlightenment liberal culture."[16]

But surely Fish goes too far in characterizing a liberal culture as one that is wedded to epistemic fallibilism. Surely there are *some* beliefs that members of a liberal culture may dogmatically insist upon.[17]

---

[16]Stanley Fish, "Why We Can't All Just Get Along," p. 20.
[17]As an example of an account of reasonableness that is contrary to the liberal one, Fish mentions the dogmatic, Augustinian account:

Other writers are more careful. Joseph Raz distinguishes four epistemic meanings of "unreasonable." (i) According to "our ordinary notion," he says, the term "marks an intellectual defect. Unreasonable people are unyielding people. They persist with their views or intentions in the face of the evidence. They stubbornly fail to see what the reasonable see."[18] (Notice that what Raz considers to be "our ordinary notion" of reasonableness is similar to, though not quite as strong as, what Fish characterizes as the distinctively "liberal" notion. Both notions are anti-dogmatic.)

(ii) Even though Raz thinks that persons are the proper bearers of the attribute described by "our ordinary notion," he allows that beliefs also can be "judged unreasonable." "Usually," he says, this occurs if a belief is, "in relation to the evidence available to the experts, patently false."[19]

(iii) Raz then expands the notion further: "At times not the experts but some other group will be the implied."[20] He highlights one consequence of this expansion:

> Perfectly reasonable people can have unreasonable beliefs. Creationist science is committed to many unreasonable beliefs, but if you were taught

---

Repeatedly in his *On Christian Doctrine*, Augustine begins a sentence by declaring, "No one would be so stupid as to say" or "It is obviously absurd to assert" or "It is utter madness to believe" or "No reasonable person would believe in any circumstances that. . . ." What invariably follows, however, is an assertion that has been found reasonable by millions, and one wonders what Augustine means by a "reasonable person." The answer is that a reasonable person is a person who believes what Augustine believes and who, like Augustine, can only hear assertions contrary to that belief as absurd. (*Ibid.*, p. 3)

This, again, is a view of reasonableness as adherence to an internalist epistemic standard. Here, the standard is that of conformity to a certain dogmatically accepted set of beliefs. This sort of conformity will be discussed further in the next section (although the standard to be discussed there is described as practical rather than epistemic).

[18] Joseph Raz, "Disagreement in Politics," p. 34.

[19] *Ibid.*, p. 34.

[20] *Ibid.*, p. 35.

creationist science at school and at home and came across no other science, then your reasonableness may be more in doubt if you reject creationist science than if you believe it.[21]

Finally, (iv) Raz urges his readers to adopt a "derivative sense of unreasonable belief, or rather of unreasonable believing." He says that "if the holding of a certain view by a person manifests an unreasonable attitude of that person (i.e. because it is held in the face of readily available evidence, etc.), then the holding of that view is itself unreasonable."[22] This idea of unreasonable believing is derived from the notion of an unreasonable person that Raz specifies in (i).

I don't wish to quarrel with the ideas of reasonableness described in (i)–(iv). However, I can't accept that any of them is *the* ordinary notion of reasonableness, though each seems ordinary enough. One of my aims in this chapter is to show that several different notions of reasonableness play important argumentative roles in ordinary thought. Specifically, I wish to defend the ordinariness of a notion that isn't primarily epistemic.

Reasonableness as Conformity to the Natural Law

So much for epistemic reasonableness, then. I begin my discussion of standard-based concepts of practical reasonableness with a concept that doesn't arise in any of the dictionary definitions. It will be interesting to observe this concept in use. Here is a passage by Jonas Proast, a seventeenth-century advocate of religious persecution:[23]

---

[21] *Ibid.*, p. 35.

[22] *Ibid.*, p. 35.

[23] Proast is responding to John Locke's *Letter concerning Toleration* and *Second Letter concerning Toleration*. Locke himself tends to use "reasonable" in an epistemic sense in these writings; for more examples of this, see his book *The Reasonableness of Christianity, as Delivered in the*

> If . . . there be one true religion, and no more; and that may be known to be
> the only true religion by those who are of it; and may by them be
> manifested to others . . . then . . . it may be very reasonable and necessary
> for some men to change their religion, and that it may be made to appear to
> them to be so. And then if such men will not consider what is offered, to
> convince them of the reasonableness and necessity of doing it, it may be
> very fit and reasonable . . . in order to the bringing them to consideration, to
> require them under convenient penalties to forsake their false religions and
> to embrace the true.[24]

According to Proast's notion of reasonableness, we do not treat people unreasonably when we force them to go against their religious beliefs, as long as in so doing we follow the dictates of the "true religion." It's tempting to call this the "browbeating" idea of reasonableness. This would be ungenerous, however. The concept is in line with the orthodox medieval standard of conformity to an objective natural law of reason – what historian Scott Sowerby describes as "a transcendent law of reason against which temporal laws could be tested and found reasonable or unreasonable."[25] We can tell that this is what Proast means because he pairs reasonableness with such allied natural law concepts as necessity and fitness. Proast assumes that the "true religion" conforms perfectly to the natural law.

Like F-reasonableness, this idea of reasonableness is of limited use in moral discussion. Not everyone accepts that morality can be detailed by a transcendent natural law of reason. What is more, when one commends a thing by calling it "reasonable" in the transcendent sense, one does not commend it any further than by calling it "lawful" in that sense. But the deepest moral and religious disagreements, among

Scriptures.

[24]Jonas Proast, *A Third Letter concerning Toleration in Defence of the Argument of the Letter concerning Toleration, Briefly Considered and Answered*, p. 112.

[25]Scott Sowerby, "Of Different Complexions," p. 33.

people who accept that there *is* a transcendent law, are about the *content* of that law. To call something "reasonable" in this sense is therefore not informative enough; the term is nothing more than a varnish upon what already has been commended through an interpretation of the transcendent law. Similarly, "unreasonable" is reduced to a mere term of abuse. Reasonableness is a more useful concept when it's narrower. Thus, over time, the term has come to be applied more specifically.

The King's Speech

At this point in the taxonomy of reasonableness concepts, one might expect a division between competing narrow ideals of reasonableness: between prudential and moral ideals, for instance. However, I now wish to digress from the taxonomy in order to look at another work from Proast's period that comes closer to employing the ideal of reasonableness that I wish to defend. This work is due to Locke's fellow toleration advocate, King James II of England.[26]

In 1687, James argued for religious toleration in what has been called "one of the most remarkable speeches ever given by an English monarch."[27] A witness recorded that James offered the following analogy:

> Suppose said [James] there should be a law made that all black men should be imprisoned, twould be unreasonable and we had as little reason to quarell [*sic*] with other men for being of different opinions as for being of different Complexions.[28]

---

[26]Locke wasn't a political ally of James's, and scholars disagree about James's motives. That James publicly promoted toleration isn't disputed; however, that he authentically valued toleration has famously been denied by "Whig" historians. Two opposing, recent assessments of James's reign are *1688* by Steve Pincus and *Making Toleration* by Scott Sowerby.

[27]Scott Sowerby, "Of Different Complexions," p. 29.

[28]Quoted in Scott Sowerby, "Of Different Complexions," p. 32.

It's striking that James should take for granted the criticizability of imprisoning "all black men" well before the end of the British slave-trading period. However, I wish to focus on what, precisely, James means by "unreasonable" in his speech.[29] This will require me to look beyond the speech itself.

Let's see how James's use of the term relates to the aforementioned themes. First, the persecuting laws and actions referred to in the speech are not said to be unreasonable because they are contrary to a human *faculty*, such as judgment. Rather, they are said to be unreasonable insofar as they are not supported by *reasons* that apply to James and to his listeners. That is, they are unreasonable insofar as they fail to meet certain standards or ideals.

Moreover, the standards that James has in mind are not merely cognitive: they're practical standards. Nor, at first, do they appear to be prudential. The speech doesn't make it obvious that persecution is costly for the persecutor. (The cost would seem to fall mainly upon those who are persecuted.) Rather, the standards that James has in mind appear, at first, to be wholly other-regarding or moral.

Scott Sowerby, the historian who has brought this speech to wider attention, gives a reason to think that morality is not all that James is concerned about. He suggests that for James, religious persecution is like racial persecution in that neither a religious dissenter nor a black man is able to freely choose his condition:

> The basis of the analogy would appear to be that both religious opinion and complexion were *involuntary*. Because these characteristics were not chosen,

---

[29]In "Of Different Complexions," Scott Sowerby discusses what James might mean by "Complexion" and "black." He decides that James uses these terms refer to skin color. But he doesn't consider that James and his contemporaries might have used the term "unreasonable" in different ways.

the individuals who possessed them could not reasonably[30] be punished or stigmatised for them, either through imprisonment by law or "quarreling" by individuals.[31]

Why think that, for James, *involuntariness* is the relevant similarity between a religious dissenter and a black man? Because, as Sowerby explains, there is external evidence to support this interpretation:

> This was terrain [James] had visited before. He asserted in his *Declaration for Liberty of Conscience* that persecution was ineffective and had proved incapable of inducing a uniformity of belief in the nation. . . . Persecution . . . would induce at most a kind of hypocrisy where people were forced to make public statements which they did not truly believe.[32]

Sowerby's interpretation of the speech revives the possibility that James's concept of unreasonableness has a prudential component. It would be unreasonable, i.e., a waste of the persecutor's own effort, to try to change a religious dissenter's belief by persecuting him. Indeed, James explicitly affirms this in his *Declaration to All His Loving Subjects for Liberty of Conscience* (mentioned in the previous quotation).[33] Persecution is useless to the persecutor: "it never obtained the end for which it was employed." Moreover, "Conscience . . . ought not to be constrained nor people forced in matters of mere religion" because it's in the interest of government to avoid such costs of persecution as "spoiling trade, depopulating countries, and discouraging strangers."[34]

---

[30]Sowerby does not say what *he* means by "reasonably."

[31]Scott Sowerby, "Of Different Complexions," p. 34.

[32]*Ibid.*, p. 34.

[33]This document also is known as James's *Declaration of Indulgence*. Actually, James gave two largely similar declarations: first in Scotland, in February of 1687; and then in England, in April of that year. I quote from the second declaration, listed in the bibliography as *His Majesty's Gracious Declaration to All His Loving Subjects for Liberty of Conscience*.

[34]All quotations from this paragraph and the next are from James's *Declaration*, p. 234.

However, in the same *Declaration*, James proclaims himself to be granting liberty of conscience "out of our princely care and affection unto all our loving subjects that they may live at ease and quiet," as well as for "the encouragement of strangers." In this document, then, other-regarding considerations are spelled out together with prudential ones. Therefore, if the *Declaration* provides a clue about what "unreasonable" means in James's speech, one plausible interpretation is that the term covers both prudential *and* moral matters.[35]

James's mention of reasonableness is worth highlighting for three reasons. First, unlike some recent philosophical discussions of reasonableness, which will be treated in the sections that follow, James's discussion does not sharply distinguish moral reasonableness from prudential reasonableness. Other-regarding and prudential considerations both seem to play some part in James's analogy. Imprisoning a black man or a religious dissenter may be imprudent for a ruler to do; but, as the bulk of the speech makes clear,[36] James also wishes to convince his listeners that he has his subjects' interests at heart. My own conception of reasonableness will follow James's in making room for both prudential and other-regarding considerations. (I'll argue that a person can treat herself unreasonably.)

Second, although James, like Proast, may be interpreted as basing the ideal of reasonableness upon a transcendent natural law of reason,[37] his charge that perse-

These parts of the *Declaration* are generally ignored by historians. For instance, they are excluded from Newton Key's and Robert Bucholz's *Sources and Debates in English History, 1485–1783*, in which the *Declaration* is reprinted along with other important documents from early modern English history.

[35]Also, it seems unlikely that James thinks that imprisoning "all black men" *only* would be imprudent and not also immoral.

[36]All the speech's key points are summarized in the quotation on pp. 31–32 of Scott Sowerby, "Of Different Complexions."

[37]This is how Sowerby interprets James's analogy. It's worth noting, also, that reasonable-

52

cution is unreasonable doesn't merely repeat the charge that persecution is unnatural or unlawful in some transcendent sense. James's charge against persecution is a *specific* criticism that is not identical to the final, all-things-considered verdict of transcendent reason. (At most, this criticism serves as a consideration that helps to determine that final verdict.) That is, James employs a fairly pointed notion of reasonableness. In this he differs from Proast, whose notion of reasonableness can be read as all-encompassing and final. James's speech therefore reflects a narrowing of the medieval concept.

Third, the theme of responding tolerantly to involuntariness foreshadows the discussions of later philosophers. For example, the theme recurs in John Rawls's discussion of the burdens of judgment, which emphasizes others' inability to adopt one's own perspective on moral and religious truth.[38]

Reasonableness as Moderation

I now move on to a fairly specific, standard-based concept of practical reasonableness: reasonableness as moderation. "M-reasonableness," as I shall call it, is to be contrasted with radicalism and extremism. There's no denying the ordinariness of this concept: recall definitions (d), (e), and (f) of Merriam-Webster.[39]

This idea fits well with the view that reasonableness is a virtue of both prudence and morality. In many ordinary contexts, it's good to be moderate, whether the focus

---

ness in the transcendent sense does not sharply distinguish between prudential and other-regarding considerations. It simply weighs all these considerations and assesses the overall value of different options.

[38]For Rawls's discussion of the burdens of judgment, see *Political Liberalism*, pp. 54–58.

[39]See p. 38 of this dissertation.

is upon one's own interests or those of other people. To give perhaps the most crucial example, it's good to be a moderate (or reasonable) risk-taker, neither reckless nor overly cautious.

The pertinent question for this work, however, is whether M-reasonableness is a *governmental* virtue. It would be highly controversial, and far from intuitive, to simply assume that it is one. With respect to political views that citizens actually hold, M-reasonableness is hardly neutral; it obviously gravitates toward conservatism.[40] It would appear that there are no M-reasonable revolutions: it isn't moderate to raze an entire governmental system; it *is* moderate to seek incremental change as long as one preserves a substantial measure of governmental continuity.

It also would appear that the extremities of any given political spectrum must be M-unreasonable. Radical feminism and patriarchy, radical pacifism and belligerence, radical economic *laissez-faire* and regulation: all of them are M-unreasonable. Of course, even those who adopt such positions might concede that their radicalism is undesirable – that, all else being equal, moderation is better and must only be forfeited because the concerns of feminism, or peace, or economic freedom are so very important. But those who say this must be willing to take on a great burden of proof and are therefore at an argumentative disadvantage.

Others who wish to uphold an immoderate position on some governmental issue may try to *combine* radicalism with M-reasonableness. One philosopher who adopts this strategy is Anthony Simon Laden. His book *Reasonably Radical* seeks to

---

[40]By "conservatism" I mean an ideology that's skeptical of theorizing that leads to dramatic governmental change and that instead emphasizes knowledge accumulated in social traditions. Representative conservative thinkers include Edmund Burke and Michael Oakeshott. See Anthony Quinton, "Conservatism."

resolve the tension between "reasonable" mainstream liberalism and certain radical tendencies in the politics of identity. At the beginning of his book, Laden explicitly characterizes reasonableness in terms of moderation. He tells us that "reasonable," in the context of the debates he will be addressing, "often means moderate, practical, what can be easily accomplished."[41] Later, however, the conception of reasonableness that he articulates is *not* M-reasonableness.[42] It may be true that another sort of reasonableness is more significant in disputes about identity politics; however, as far as M-reasonableness is concerned, Laden simply changes the subject.

A more sophisticated employer of the combinatorial strategy is Michael Huemer. In a book in which he sets out to debunk the authority of the state, he writes:

> Is this a book of extremist ideology? Yes and no. I defend some radical conclusions in the following pages. But although I am an extremist, I have always striven to be a reasonable one. I reason on the basis of what seem to me common sense ethical judgments. I do not assume a controversial, grand philosophical theory, an absolutist interpretation of some particular value, or a set of dubious empirical claims.[43]

To the question of whether a certain ideology (and the people who subscribe to it) are M-reasonable, Huemer offers a complex answer. An ideology consists not only of ending-points, i.e., argumentative conclusions, but also of starting-points and procedures, i.e., premises and inferences. An ending-point may be extreme, but the starting-points and procedures that lead to it need not be. Indeed, it's difficult to find a principled way of ensuring, at the outset of a path of thought, that a given combination of moderate starting-points and procedures will not lead to an extreme

---

[41] Anthony Simon Laden, *Reasonably Radical*, p. 2.

[42] *Ibid.*, Chs. 4–5. I discuss this conception later in the present chapter, on pp. 103–110.

[43] Michael Huemer, *The Problem of Political Authority*, p. xxvii.

terminus. What especially matters concerning the M-reasonableness of an ideology, Huemer seems to suggest, is that the starting-points and procedures be moderate; if these things lead out into the radical wilderness, that isn't a fault of the ideology considered as a whole.

Huemer's reasoning is likely to appeal to academic philosophers who are fond of paradoxical argumentation and theoretical consistency, to which they appeal in order to support their more radical conclusions. But many ordinary, tradition-reliant, conservative citizens do not share these tendencies. Like Huemer, they might begin with moderate-seeming premises and inference rules. Unlike Huemer, though, they would likely be held in check by tradition, refraining from following a path of thought all the way into radicalism. They might recognize that in refusing to draw extreme conclusions, they are incurring theoretical costs; however, because theoretical consistency is not as important a virtue to them as it is to many academic philosophers, they would be less troubled by (apparent) inconsistency than those philosophers would be. They *would* be troubled by Huemer's conclusions.

Moreover, Huemer's characterization of M-reasonableness is suspect when it is applied to specific political issues. Moderate acts of environmental degradation, coupled with moderate rules about when such acts are permissible, may result, when iterated sufficiently, in severe degradation. In such cases, a course of action may seem M-reasonable on the whole due to the moderateness of its starting-points and procedures; and yet, given the outcome, it is doubtful that this is a virtue. This is the sort of problem that is likely to beset many large-scale operations.

To summarize: if M-reasonableness is a *governmental* virtue, then this could be established only through what amounts to an argument for an entire political ideol-

ogy. Such a virtue would count heavily in favor of conservatism and against immoderate political ideas. It would beg the question to posit such an ideologically loaded "virtue" at the outset of an ideologically undecided inquiry. Philosophers such as Laden and Huemer who presuppose that M-reasonableness is virtuous in governmental contexts have not yet presented a workable strategy for combining this idea of reasonableness with the particular radical conclusions that they wish to advance.

The Relevant Concept of Reasonableness (At Last)

I have nearly finished discussing and setting aside the concepts of reasonableness that are *not* pertinent to this study. Along the way, I have given a preview, from history, of the concept that I'll examine in greater detail. A quick recapitulation is in order.

The reasonableness that I wish to examine isn't grounded on a faculty (competent or otherwise). Nor is it epistemic in any internalist sense: it's neither fallibilist nor tied to any particular dogma (though I present no objection to characterizing epistemic reasonableness in either of those ways). But it *is* connected to standards, or ideals, or reasons. These are practical rather than merely cognitive.

Moreover, the word "reasonableness" is commonly associated by competent users of the term with at least three different sorts of practical standards. I set aside moderation and the transcendent natural law of reason (as understood by those such as Proast). What remains?

The standards of the transcendent natural law, if they exist, are objectively true. But when we mortals follow practical standards, we often do not take them to be the standards of the transcendent natural law. Even if we believe in the transcendent natural law, we allow that the standards that we actually try to follow might not

perfectly conform to it. Though we strive to approximate the natural law, we admit the theoretical possibility of error. Thus, we regard the standards that we follow, or try to follow, as ones that we *purport* (to ourselves). Or, even if we are supremely confident in the standards that we try to follow, we recognize that not everyone else shares this confidence. Thus, again, we *purport* these standards (to others). We profess them as *our* standards rather than as the objectively true standards, even if everybody recognizes that we believe them to be objectively true.

As a first characterization, then, the reasonableness that I intend to examine consists of accordance with *purported* practical standards.

I think that this characterization should be weakened in two ways. Firstly, I believe that reasonableness consists in *responsiveness* rather than in full-blown accordance. As I spell out the implications of my view, it will become clear that reasonableness is not always expressed by following standards or ideals in their entirety. Remember that these standards are *purported*. Unlike the standards of a transcendent natural law, we can expect different purported standards to conflict with one another in such a way that precludes perfect accordance with all of them. On the other hand, even when this is the case, it is still possible to "feel the pull" of each conflicting consideration. And this is what responsiveness is: to allow oneself to be influenced by that to which one responds.

Secondly, instead of saying "standards," I say "reasons." Standards are like targets that must be hit, or at least approximated. While reasons demand to be considered, they do not demand even to be approximated. They can be completely overridden by considerations that are more important. An overridden reason can be responded to without being neglected. To respond to such a reason is to allow the

reason to exert its influence upon oneself, even if one does not obey it, even in part.

Thus, in the sequel, I shall characterize reasonableness as *responsiveness to purported practical reasons*, or "R-reasonableness" for short. This is the general concept of reasonableness that I shall talk about. Philosophers have offered a variety of conceptions of this general concept. These can be distinguished from each other according to the following questions (among others):

What sorts of things can be reasonable?

Whose purported reasons are the relevant ones?

Under what conditions is reasonableness a virtue?

Under what conditions is it a *governmental* virtue?

The answers to these questions are interconnected: a particular answer to one question might strongly count in favor of a particular answer to a different question.

It also might be asked whether the purported reasons themselves contribute to the individuation of different conceptions of R-reasonableness. For example, it might be said that what I have called "reasonableness as moderation" is just a *conception* of R-reasonableness according to which a purported reason's moderateness is just an extra consideration in favor of acting on that reason, and that M-reasonableness is therefore not an altogether different *concept* of reasonableness. I have no objection to rewriting the taxonomy in this way; I have dealt with M-reasonableness on its own because of its special prominence in common discourse.

The more serious issue is whether the unreasonable content of a certain "reason" (e.g., that So-and-So is not to have his interests taken into account) is sufficient to make its purporter unreasonable, and whether it is unreasonable, in turn, to withhold

responsiveness to such a "reason." Conceptions of R-reasonableness may also be distinguished from each other by how they address this issue.

Is Reasonableness Just (Instrumental) Rationality?

I wish to consider, as a first (mistaken) conception of R-reasonableness, the claim that reasonableness involves nothing more than the instrumentally rational pursuit of the pursuer's own purported ends. This conception begins with the aforementioned question: "Whose purported reasons are the relevant ones?" It answers: "Ultimately, the *agent's* purported reasons, and no one else's."[44]

W. M. Sibley's article "The Rational Versus the Reasonable" is credited with explaining the distinction between reasonableness and instrumental rationality.[45]

---

[44]There is also the question: "What sorts of things could be reasonable or unreasonable?" On the view under discussion, actions could be reasonable or unreasonable, insofar as they are (or are not) responsive to the reasons that the agent purports. The agent himself also could be reasonable or unreasonable. As a follow-up to this, it might also be asked if the agent must be a person, or whether the agent could be some corporate entity, such as a government. Here I will only discuss agents who are persons. But I expect that my discussion could be generalized to non-personal agents.

[45]Among those who credit this article are John Rawls, in *Political Liberalism*, at pp. 48–49, n. 1, and T. M. Scanlon, in *What We Owe to Each Other*, at p. 192 and at p. 394, n. 7. Rawls, in the cited passage, also mentions Immanuel Kant's *Groundwork for the Metaphysics of Morals*, in which, Rawls says, the categorical imperative "represents pure practical reason" and the hypothetical imperative "represents empirical practical reason." I do not wish to adjudicate whether this famous distinction corresponds to the one elucidated by Sibley.

Still, a brief interpretive discussion is in order, for Sibley does not append the label "instrumental" to his concept of the rational.

As a theory of practical rationality, "instrumentalism holds that all practical reasoning is means-ends reasoning," explains Elijah Millgram – "that is, that figuring out what to do is entirely a matter of determining how to achieve one's goals or satisfy one's desires" ("Practical Reasoning," p. 4). Thus, Millgram characterizes instrumentalism as a doctrine that says that there is only one kind of practical rationality. Perhaps, in his discussion, (1) Sibley assumes that this doctrine is true. Or perhaps (2) Sibley would allow that there are several different kinds of practical rationality, and he restricts his discussion to the purely instrumental, i.e., means-ends kind. In this section, I shall talk about "instrumental rationality," as opposed to other kinds of practical rationality, as if interpretation (2) were correct. However, nothing

Sibley begins by considering the following situation:

> Two individuals *A* and *B* have an equally strong claim to a sum of money.
> . . . *A*, however, is in a position to retain all of the money for himself, and
> this he elects to do, paying no regard to *B*'s rights in the matter.[46]

Sibley then asks:

> How, as a matter of fact, would we characterize [*A*'s] action? Certainly, we
> would characterize it as selfish, and also, if taking the moral point of view,
> as wrong. And – especially if *B*, or *B*'s advocate, had expostulated with him
> – we would, I submit, apply to his conduct another adjective, *unreasonable*.[47]

Sibley's point appears to be that our ordinary use of the word "unreasonable" allows

us to apply that concept to actions that selfishly promote the agent's own interests.

This isn't quite to say that there is no ordinary meaning of the word according to

which reasonable actions aim at promoting the agent's own interests:

> When we judge that some one has acted reasonably, we may have in mind
> either a moral or a nonmoral situation. "*C*'s investment has turned out
> badly," we might say, "but the risk involved was a reasonable one, and he
> took all reasonable precautions." Here "reasonable" means, as far as I can
> see, much the same thing as "rational."[48]

For Sibley, then, reasonableness *can* legitimately be conceived as instrumental

rationality. On this conception, "reasonable" and "rational" are synonymous. But

what he wishes to establish is that there is another legitimate idea of reasonableness

which, rather than being strictly prudential, has a moral component. "Reasonable,"

---

important turns on this. What I shall say could be reformulated so as to be compatible with
interpretation (1).

[46]W. M. Sibley, "The Rational Versus the Reasonable," p. 554.

[47]*Ibid.*, p. 555; italics in the original.

[48]*Ibid.*, p. 557.

on *this* conception, does not mean the same as "rational." Sibley notes that if *A* is an egoist, the concept of irrationality cannot be applied to his selfish actions – at least, not "in the sense in which 'irrational' means 'foolish,' 'absurd,' 'ridiculous,' 'senseless,' 'unintelligent.'"[49] As an egoist, *A* is doing the sensible thing by responding to the only reasons that he acknowledges as pertaining to himself. Yet there is a sense in which he acts unreasonably, in virtue of his mistreatment of *B*; and it is this sense that Sibley wishes to elucidate.

Sibley does concede that *A* counts as irrational if he is mistaken in thinking that his selfish behavior ultimately benefits him. This leads Sibley to confront an objection. What if Plato's *Republic* is correct that "every selfish or 'unjust' action is also, in the final analysis, a foolish one, in terms of one's own real welfare?" Sibley replies that this thesis could not be established without the consideration of certain facts – "the real nature and needs of the human being" – that are beyond the purview of an analysis of the concepts of unreasonableness and irrationality. "In short," Sibley concludes, "to condemn *A* as unreasonable is not *ipso facto* to mark him as irrational; and hence these two terms are not, in this context at least, synonymous."

Conceptually, then, unreasonableness and *egoistic* irrationality are distinct (and so also are reasonableness and egoistic rationality). But, it might be asked of Sibley, what of contexts in which the agent acts to promote some other goal? Suppose that my worldview prioritizes pleasing a certain deity above all else. If this is my most valued end, then I am not an egoist, for I put the deity's pleasure ahead of my own well-being. But then it's rational for me to try to bring about pleasure for that deity without taking into account the views of those who bitterly oppose my valuation of

---

[49] *Ibid.*, p. 555. Until indicated otherwise, the following quotations are from this page.

ends.[50] If this is rational, how can it be shown to be unreasonable?

One might appeal directly to one's intuitions about this case. The action that I have described may well just *seem* unreasonable (it does to me). But one might wish for more than this. It is regrettable Sibley doesn't extensively discuss an example of the sort that I have described, as he does regarding egoistic decision-making. So, again, what could be said to show that *all* instrumental rationality, and not just egoistic rationality, is distinct from reasonableness? Let's return to Sibley's example of the individuals *A* and *B*. *A*, Sibley stipulates, acts in the manner of a rational egoist. (To make this an example of rational behavior, let's add that egoism is *A*'s creed, and that he successfully promotes his own well-being.) As outsiders to the interaction between *A* and *B*, we judge *A*'s treatment of *B* to be unreasonable. But this is because we assume that *B* isn't also an egoist.[51] Things are different if, instead, we stipulate that *B* outspokenly shares *A*'s egoistic creed. Then it no longer seems unreasonable of *A* to keep the money away from *B*. This is because, if *A* and *B* were to profess their respective creeds to each other, *B* no longer would have any basis for complaining against *A*; he wouldn't be able to appeal to any reason from either of the affected parties' moral or prudential perspectives as a consideration against *A*'s keeping all of the money for himself.

What this shows is that in the original example, in which *A* is an egoist and *B*, so far as Sibley's readers can justifiably assume, is not an egoist, the unreasonableness that *A* exhibits doesn't arise purely from the *selfishness* of *A*'s behavior. In the

---

[50]Sibley would agree that this is rational (*ibid*., pp. 555–557).

[51]In the absence of further relevant information, noticing that credal egoists make up only a small proportion of society's members would likely be sufficient to justify a belief in any given person's non-endorsement of egoism.

modified example, *A* is no less selfish, but he also is justified in believing that *B* is a fellow egoist; and as a result, *A* doesn't exhibit unreasonableness toward *B*. The unreasonableness that *A* exhibits in the original example comes about because he's unresponsive to the reasons that he's justified in believing that *B* would sincerely purport to him.

To summarize: while Sibley's argument that reasonableness is distinct from instrumental rationality is not completely successful – it does not consider a wide enough range of examples – it can be revised so that examples of enough relevant kinds are taken into account. The upshot is that our focus is moved away from selfishness, which Sibley contrasts with "impartiality," "objectivity," and "equity,"[52] and onto responsiveness to purported reasons.

The "Core" Sibleyan Account of Reasonableness

Sibley does more than to argue that reasonableness is not the same as (instrumental) rationality; he also advances a positive conception of reasonableness. He says that in order to qualify as reasonable, a person must be responsive to others' perspectives. That is, for someone to be reasonable is for her to

> discover how each [person] will be affected by the possible alternative actions; and, moreover, not merely to "see" this (for any merely prudent person would do as much) but also to be prepared to be disinterestedly *influenced*, in reaching a decision, by the estimate of these possible results.[53]

This quotation expresses the heart of the specific conception of R-reasonableness that I will go on to defend. Nevertheless, it can be improved upon in certain respects.

---

[52]*Ibid.*, pp. 557–558.
[53]W. M. Sibley, "The Rational Versus the Reasonable," p. 557; italics in the original.

In the next section, I will list these improvements so as to present the basic features of my own view. Then, in the sections that follow, I will consider various ways in which philosophers – including Sibley – have substantially (and mistakenly) added to, or modified, the "core" Sibleyan conception, which is not only simple but especially commonsensical.

I'll wait until Chapter IV to provide arguments from a variety of moral and religious perspectives to suggest that reasonableness, as described by my improved Sibleyan conception, is a virtue. (Moreover, I won't complete my *characterization* of reasonableness until the present chapter's end. There I'll examine the extent to which reasonableness requires persons to be influenced by considerations related to different parties.)

Before I examine the Sibleyan conception in greater detail, I'd better give a preview of at least certain aspects of my own conception with which I will have ended up at the end of the next section. On my conception, R-reasonableness consists of *responsiveness to those purported reasons that interacting parties justifiably believe would be offered in good faith, were they to discuss their purported reasons with each other.* (Let me stress that this is not the final formulation of my conception of R-reasonableness. That formulation, which will fleshed out by the end of the chapter, is as follows: reasonableness consists of *conscientiously distributed*, *favorable* responsiveness to those (purported) reasons that interacting parties justifiably believe would be offered in good faith, were they to discuss their (purported) reasons with each other.)

One other note: the "core" Sibleyan conception, expressed in the above quotation, specifies what it is for a *person* to be reasonable. My account of R-reasonableness is meant to be applicable also to other things.

Improving the Sibleyan Account of Reasonableness

To present my own account of reasonableness, I will now proceed carefully through the quotation by Sibley from the previous section, suggesting improvements as the need arises.

(1) Sibley talks of "discover[ing]" and "see[ing]" the consequences that, potentially, will affect "each" person.[54] *To discover* and *to see* are success verbs. If Sibley's claim is taken literally and strictly, then a person cannot qualify as reasonable unless she finds out the truth about how each individual will be affected by potential courses of action.

An example will show why this requirement for reasonableness is too demanding. Normally, if I considerately refrain from denigrating the adherents of a religion whose doctrines I reject, then I treat those persons reasonably; and, if I tend to perform reasonable actions, then I am a reasonable person. But Sibley's quotation, unamended, withholds the attribution of reasonableness unless I have learned the truth about whether each adherent of that religion would be better off because of my refusal to denigrate him or her. If I haven't actually gotten to know all of the religion's adherents, then I won't have "discovered" or "seen" how denigration will affect each person. It might turn out, surprisingly, that denigration improves the prudential resolve of this or that person, making a few people better off on the whole. But my having failed to discover this quirk about a few particular religious adherents does

---

[54]The language is taken from the passage by W. M. Sibley ("The Rational Versus the Reasonable," p. 557) quoted on p. 64 of this dissertation. All unadorned quotations in the current section are drawn from this passage by Sibley; the reader is advised to keep a finger upon my p. 64.

not make my decision not to denigrate them for their beliefs an unreasonable one.

Thus, I believe that the requirement of discovery, as literally stated in the quotation, should be weakened. In its stead I propose, as a necessary condition for reasonableness, that agents should form justified beliefs about the involved parties.[55] Rather than having to understand each person individually – an impossible task when my behavior affects large numbers – I am able to treat them reasonably as members of this or that group.[56]

My proposed modification also makes sense of interactions that occur with one other person rather than with a large group. If you and I are offering each other our respective reasons about what to do, I may not fully understand what you are saying. But I may be justified in interpreting you as offering certain considerations. I exhibit reasonableness toward you by being responsive to those considerations, even if I do not quite *see* that these are the considerations that you are offering.

(2) The next improvement concerns Sibley's phrase "*how* each [person] will be *affected* by the possible alternative actions,"[57] which stresses the potential consequences for the involved parties.

I believe that Sibley is correct that reasonableness involves taking into account those who are affected by an action – at least those who are *significantly* affected – rather than, say, the narrower class of those with whom the agent is engaged in some

---

[55]I am not wedded to the term "justified." "Warranted" or "reliable" might serve as well. The reader is advised to substitute his or her favorite non-factive epistemic requirement in place of justification.

[56]Perhaps I am interpreting Sibley too strictly. Later in the passage, he refers to an "estimate" rather than to a "discovery."

But whatever Sibley actually means, the important point is that the epistemic requirement should be non-factive.

[57]I have added the italics.

joint activity. This is not the aspect of Sibley's account that I wish to modify. Instead, I wish to redirect Sibley's focus upon *which consequences will be visited upon each of the affected persons*. It would be better for the account to focus upon *which purported reasons each of the affected persons would offer in good faith in a discussion between all the affected persons, were such a discussion to occur*. This idea is complex, and so I will discuss its different aspects in turn.

(2.1) What is misguided about focusing upon the consequences that will be visited upon the affected persons?

Recall those religious adherents whom I am considering whether to denigrate. We might imagine that a few of them would welcome denigration so as to earn divine credit as sufferers for their cause. Suppose that although they tell me this, I continue to believe that denigration would, on the whole, be harmful to them. So I confront a question about which potential behavior would fare worse as an expression of reasonableness. (i) Would it be less reasonable of me to act according to what *I* believe to be good for these people, even though it goes against what *they* profess? Or (ii) would it be less reasonable to act according to what they conscientiously and sincerely believe would be better for them, even though I believe it harms them more?

The answer is that nothing in the correct conception of R-reasonableness by itself helps to decide between (i) and (ii). The course of action described in (i) is the more paternalistic one; but we should be careful not to equate unreasonableness with paternalism. Similarly, the course of action described in (ii) is the less benevolent one (for my own estimate is that it will lead to worse consequences for those with whom I interact); but we should be careful not to equate unreasonableness with a lack of benevolence. One lesson from the discussion of *A*'s withholding money from

B was that a certain readily recognizable vice, selfishness, was not what the unreasonableness of *A*'s behavior amounted to (though, *in those circumstances*, *A* exhibited unreasonableness by treating *B* selfishly). We should be careful, then, not to attribute unreasonableness to one person's treatment of another just because it exhibits this or that recognizable vice.

I argued in my discussion of Sibley's example of *A* and *B* that what matters, as far as R-reasonableness is concerned, is whether one is responsive to the reasons that the other person offers (or would offer, if a situation arose in which reasons were exchanged; this qualification will be explained shortly). When *A* withholds money from *B*, he treats *B* unreasonably because he does not allow himself to be influenced by the non-egoistic reasons that he is justified in believing *B* would purport to him. If this is the right explanation of the unreasonableness of *A*'s behavior – and I believe that it is – then, in the case of my interaction with the (pro-denigration) religious adherents, it would also be unreasonable of me not to be influenced by the reasons that those persons profess to me. And so it would be unreasonable of me not to be at least somewhat inclined to denigrate those religious adherents, since this is what they purport to favor.

However, it isn't that the effects of the denigration are completely unimportant as far as reasonableness is concerned – at least, not in this case. For it's stipulated that *I* consider these effects to be harmful and thus, with good reason, to be avoided (it can be added that my beliefs about harmfulness are evident to the religious adherents). And so, if my decision is not to count as unreasonable, the harmfulness of denigration also should make me somewhat inclined *not* to denigrate these adherents. The unreasonableness at issue here is that of failing to exhibit responsiveness to the rea-

sons that *I* would purport to the other persons who will be affected by my decision. This unreasonableness, however, would not arise directly in virtue of the effects of my decision. It would arise in virtue of my failing to be swayed by my own purported reasons, reasons which *happen* to be concerned with the effects of my decision.

(2.2) The idea of focusing on purported reasons, rather than on objectively true reasons, already has been discussed. (See p. 58 of this dissertation.)

(2.3) Moreover, to be reasonable is to be responsive to reasons that *would be* purported, not just to reasons that *actually have been* purported. This is because, in some cases, it will be undesirable from everyone's perspective not to choose a course of action before all the affected parties have stated their reasons.

Here is an illustration. After a long day of hiking, you trudge wearily back to your hostel, where you share a room with another tourist whom you know well. This roommate already has gone to sleep. You think rather poorly of his having left you in darkness, and you wish to turn on the light. However, even though he hasn't actually put forward his reasons to you, you are justified in believing that he *would* advance certain considerations against turning on the light if the two of you were to have a forthright discussion of the matter. In this case, and in many other more complex ones, grasping the reasons that *would* be purported is at least approximately as relevant as grasping those that *actually* have been purported. Moreover, in such cases, failing to respond to certain reasons because they have not actually been purported is likely to produce needless friction between the parties. (As would be expected, if you were to turn on the light, choosing to ignore the fact that your roommate would take a moral stand on being allowed to remain asleep, you would make matters worse than they already are.)

(2.4) I also have said that of the reasons that one justifiably believes would be purported, those that matter as far as whether reasonableness is exhibited are those that one justifiably believes would be offered *in good faith*. By "in good faith," I mean sincerely or forthrightly.

To say *why* this "good faith" requirement is important would be to cease characterizing a commonsensical conception and to engage in controversial philosophizing. Answering this question amounts to explaining why honesty is a virtue. While this can be attempted by appealing to any of a variety of mutually incompatible philosophical views, it is unlikely that any one explanation will command widespread agreement.

Fortunately, what matters isn't *why* good faith bears upon R-reasonableness, but simply *that* good faith bears upon R-reasonableness. And this is something that virtually everyone who thinks about R-reasonableness can be expected to agree upon. When, in discussion with others, we get the sense that the considerations that they offer aren't considerations that they themselves find compelling or attractive, we feel that reasonableness doesn't demand us to take those considerations into account.[58] As far as reasonableness goes, we are "off the hook."

(3) Sibley says that the reasonable person "is prepared to be *disinterestedly* influenced"[59] by whatever it is that reasonableness requires him to consider (potential

---

[58]Here I should clarify that I'm not talking about reasons that are offered by someone forthrightly playing "devil's advocate" or adopting some other perspective that is not her own. Such a person is at least presenting, in good faith, her own idea of how things look from a perspective that is foreign to her. Since this idea is offered in good faith, it should be taken into account by the affected parties, on pain of unreasonableness. (What influence, precisely, it should be allowed to have is a different issue which would depend on the details of the parties' discussion.)

[59]I have modified Sibley's italics.

consequences, on his account; potentially purported reasons, on mine). But is this right? Must the influence be disinterested?

There is considerable disagreement, both in philosophy and in ordinary thinking, about how goods should be distributed. According to some views, distribution should be impartial (or disinterested, i.e., unaffected by personal interests). However we distribute goods, we should not be influenced by the fact that we are partial toward, say, our friends or our family members or ourselves. According to other views, though, it is appropriate for partialities to affect how we distribute goods.

We can consider the influence exerted by purported reasons to be distributable. (For present purposes, whether it's a distributable *good* isn't especially important.) A question then arises: does reasonableness require that this influence be distributed disinterestedly, i.e., impartially, as Sibley believes? Or does it allow a reasonable person to express partiality, i.e., to let herself be more influenced by the reasons that she herself professes, even if she also must be influenced, to *some* degree, by the reasons that she justifiably believes other parties would offer?

Here, influence due to partiality is a different factor than weight purported for the reasons themselves. X's pleasantness may be a reason that, purportedly, should be of a certain weight for reasonable parties, no matter who purports that reason. The issue is whether X's pleasantness may be *especially* influential for a certain party because *she* is the party who has purported it to be a reason. To settle this issue would be to adopt a controversial account of the distribution of this particular entity. This matter, then, falls outside the purview of common sense. I'll discuss distributive questions further on pp. 116–118. For now, I simply wish to note that this aspect of Sibley's account assumes a distributive thesis to which common sense is not committed.

To summarize: Sibley's "core" account, as expressed in the passage that I have been examining, says that reasonableness involves (1) discovering or seeing (2) potential consequences (for all significantly affected parties), and (3) allowing these consequences to disinterestedly influence behavior.

On the other hand, I've argued that (1)–(3) can be improved upon, at least as far as an *ordinary* conception of reasonableness goes. Reasonableness involves (1*) acquiring justified beliefs about (2*) reasons potentially purported in good faith (by any significantly affected party), and (3*) allowing these reasons to influence behavior – though not necessarily in a disinterested fashion.

Since I've disagreed with Sibley on three crucial points, it might be asked why I count my conception of R-reasonableness as Sibleyan. One reason, of course, is that Sibley and I agree on taking into account factors connected to *all* the parties that are significantly affected by the behavior in question. As it turns out, this is a matter of controversy among the various competing conceptions of R-reasonableness in the literature. Some conceptions of R-reasonableness exclude certain parties in determining which factors should be taken into account.

Another reason is that my conception of reasonableness can be interpreted as a weakening of Sibley's conception. The epistemic component of my account involves justified belief, which is non-factive, rather than discovery, which is factive. My view of which factors must be taken into account for reasonableness is a generalization of Sibley's view. Sibley describes *consequences* (or, as he calls them, effects or results) – by which he means, presumably, their value or disvalue – as factors that pertain to reasonableness. But in this he can be interpreted as proposing a somewhat strong view, that the value and disvalue of results constitute all the reasons that matter. In

this, Sibley reflects the utilitarian thinking that dominated mid-twentieth century normative ethics. And, lastly, his specification of the influence of those reasons as disinterested also reflects the utilitarian climate in which he wrote.

My own account of reasonableness, then, is largely a generalization, agnostic with respect to utilitarian thinking, of an account initially cast by Sibley in rather narrowly utilitarian terms. It puts the idea of a "reason" back into that of the "reasonable"; but it acknowledges that Sibley, also, was talking about reasons all along.

A Requirement for Reasonableness? Appealing to Common Principles in One's Reasoning with Other Parties

Unfortunately, Sibley doesn't remain content with the characterization of reasonableness that forms the basis of my own account. In the same article – indeed, on the same page as the quotation which I have just finished analyzing – he goes on to say that if I am reasonable, "I must justify my conduct in terms of some principle capable of being appealed to by all parties concerned, some principle from which we can reason in common."[60] I will refer to this claim as the "common principle requirement" for reasonableness ("the CPR").

It's worth noting that the idea of finding "some principle from which we can reason in common" is a crucial feature of other philosophers' approaches to political and moral theorizing. What Rawls makes of this idea will be discussed in much more detail in Chapter III, and others' ideas about reasoning in common will be discussed in the present chapter, on pp. 93–110. At this time, however, let us focus on Sibley

---

[60]W. M. Sibley, "The Rational Versus the Reasonable," p. 557; italics in the original. The next few unadorned quotations refer back to this passage.

by asking whether the CPR is important to adopt in light of what he already has said about reasonableness, or whether it's detachable from his overall account.

The CPR says that for me to be reasonable, I must be able to point to some principle that all of the affected parties would endorse. But why must we believe that any such principle exists? Perhaps, at all levels, there is principled disagreement between the affected parties. That is, perhaps (a) there is disagreement at the surface level, i.e., disagreement about what to do in situations of a certain type; (b) there is disagreement at the level of the different parties' most fundamental moral principles; and, finally, (c) there is disagreement at all intermediate levels at which principles are invoked.

Here, several options are available to the person who wishes to adhere to the spirit of Sibley's CPR, if not strictly to its letter. One option is to reinterpret this spirit as follows: if I am reasonable, "I must justify my conduct in terms of some principle capable of being appealed to by all parties concerned, some principle from which we can reason in common" – *but only if such a principle exists* (the italicized words constitute the amendment to Sibley's formulation of the CPR). If there is no such principle, then I am off the hook: by default, I am reasonable or at least not unreasonable. But this view is unpromising. If Smith, Jones, and I are all affected by each other's actions, and I share principles with Smith, it seems that I am reasonable in being disposed to treat *him* as these principles dictate even if Jones, who agrees on no principle with either of us, is left out in the cold.

A fallback option is to say that if I am reasonable, "I must justify my conduct in terms of some principle capable of being appealed to" *by as many of the affected parties as possible* rather than by all affected parties. A related suggestion, due to Rawls, is

that what matters for reasonableness is not the existence of principles shared with others, but, rather one's disposition to *propose* – or, perhaps it is better to say, *to seek out* – such principles. Rawls says: "Persons are reasonable . . . when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and abide by them willingly, given the assurance that others will likewise do so."[61] Yet another related option is to interpret the CPR as an ideal of reasonableness rather than as a necessary condition for reasonableness: although being able to justify myself to all affected parties is an unattainable, ideal state of affairs, I am reasonable to the extent that I approximate, or try to approximate, this ideal.[62]

A difficulty for all of these fallback options arises when we consider that not all moral justification proceeds by way of appeal to general ethical principles. Indeed, some philosophers have *rejected* generalized moral justification.[63] A related objection, which is more politically relevant, is that a society will contain many members who do not hold their moral views in any very principled way, and whose tendency is to approach interpersonal issues in a piecemeal fashion. Some of these persons will distrust generalized ideology; others will simply not be very philosophically oriented. It seems mistaken to call such people unreasonable. The vast majority of them will be capable of responding to purported reasons.

I believe that the first anti-generalist objection undermines any CPR-like nec-

---

[61]John Rawls, *Political Liberalism*, p. 49. The last clause, relating to "the assurance that others will likewise do so," will be treated on pp. 93–110.

[62]The suggestions in this paragraph may also satisfactorily get around the difficulty concerning the sadist and the amoralist that I'll raise in the next section. However, they do not get around the difficulty that I'll go on to describe concerning a particular non-evaluative disagreement.

[63]See, for example, Jonathan Dancy, *Ethics without Principles*.

essary condition for R-reasonableness as that concept is commonsensically under-stood. Some, however, might regard this objection as too philosophically esoteric. They might hold that the ordinary view of moral reasoning gives a central place to principled reasoning, and that any objection to CPR-like requirements which turned on the possibility of rejecting generalized ethical principles would be an objection that strayed too far from common sense. Even so, the second objection which I have raised, that there simply *are* many people who are able to respond to reasons though they do so in a merely piecemeal fashion, counts decisively against CPR-like require-ments.

A Requirement for Reasonableness? Providing Justification to Others

There is, however, another requirement for reasonableness expressed by Sibley's quo-tation which might be called the *justificatory* requirement. Again, this quotation says that if I am reasonable, "I must justify my conduct in terms of some principle capable of being appealed to by all parties concerned, some principle from which we can rea-son in common."[64] Whether or not reasonableness is expressed in connection with principles, the justificatory requirement maintains that reasonableness *involves offer-ing justification to all parties, so that all ought to be convinced*. This requirement also has played an important role in philosophical (and ordinary) thinking about reasonable-ness. However, thinking about the relation between justification and reasonableness leads to the following important problem.

It might be doubted whether justification of any sort – let alone in terms of a

---

[64]Again, the passage is from W. M. Sibley, "The Rational Versus the Reasonable," p. 557; the italics are in the original.

common principle – could be offered to certain parties. Perhaps someone's moral outlook is so different from mine that it's impossible for the two of us to justify our conduct to each other. Consider a person who sincerely endorses a sadistic moral outlook, glorying in the torture of the weak. Or consider an amoralist who simply rejects all moral justification. If I actively oppose the ethical orientations of such people without being able to justify myself to them, does this involve unreasonableness? Am I, or is my action, morally at fault in this respect?

To this puzzle, one might respond by claiming that we never actually interact with genuine amoralists, with adherents of a fundamentally sadistic morality, or with other parties whose views are so radically at odds with ours. But this claim would be extremely contentious. Also, the mere possibility of such figures is disquieting enough. And, finally, the problem of being unable to offer justification to certain parties arises also among people who are not so radically different from each other.

Consider two members of the same church congregation. We can stipulate that their general religious and moral beliefs are the same. Imagine, however, that the first churchgoer, Brian, comes to believe that God has called him to attend a different congregation. He recognizes that his departure will harm the churchgoers in his present congregation – say, by depriving them of his spiritual encouragement – but he judges that it's more important to follow the call of God. Suppose that Brian sincerely conveys these views to Joe, a fellow congregant. Joe is dismayed to see Brian leave the congregation. He recognizes Brian's sincerity, and he agrees that it's more important to follow God's call than to avoid depriving others of spiritual encouragement. However, he doubts that God in fact has called Brian to go elsewhere. Perhaps Joe believes that Brian is especially prone to erring on such matters, or per-

haps he believes that most people are unreliable identifiers of individually tailored divine calling. In any case, no matter how much they discuss the issue, Brian cannot justify to Joe his decision to leave the congregation.[65]

If Brian leaves the congregation, then, does he act unreasonably against Joe? The justificatory requirement would count in favor of an affirmative answer. Intuitively, though, it shouldn't; and this is why I reject the justificatory requirement. Even if Brian is mistaken in his reasoning about whether God has called him, he hasn't treated *Joe* unreasonably for deciding to follow his own conscience in this matter, as long as he has allowed Joe's sincerely professed reasons to influence his decision. (Which he *has* done. Recall that Joe's moral reasons are the same as his own; both congregants agree that following God's call is of the highest importance.)

Now, I grant that Brian may well be guilty of some sort of *epistemic* unreasonableness when he maintains that God has called him to go to a different congregation. But this isn't the variety of unreasonableness at issue. I have discussed epistemic unreasonableness earlier in this chapter and distinguished it from R-unreasonableness.

One might resist this distinction by attempting to retain an epistemic condition upon R-reasonableness to the effect that Brian must at least be able to justify his decision to *himself*. Suppose that Brian is, in fact, guilty of epistemic unreasonableness when he judges what God's call upon his life is – a consideration that conclusively influences his decision. Suppose, also, that Brian's decision produces a devastating outcome for the members of his initial congregation (including Joe): without Brian's charismatic spiritual encouragement, the congregation falls prey to vicious infight-

---

[65]I recently observed a situation like this one in my own congregation. "Brian" and "Joe" aren't the congregants' real names; I'm disguising their identities.

ing and withers down to nothing. Doesn't Brian owe Joe an apology for this? And isn't this because the outcome would have been avoided if Brian had reasoned correctly about God's calling? Therefore, isn't Brian's treatment of Joe R-unreasonable because of an epistemic failure?

I'm inclined to concede that Brian would owe Joe an apology for contributing to the sad outcome just stipulated. But I maintain that even if Brian were guilty of a justificatory failure, this would differ from R-unreasonableness. He would be guilty of the same justificatory failure even if his initial congregation were to thrive following his departure. Should the congregation instead wither down to nothing, Brian would owe an apology to Joe simply because of his decision's figuring so conspicuously in the causal chain leading to the devastating outcome. That he would owe an apology for this may well be due to "morally unlucky" circumstances; whether he is *R-unreasonable* in this case is not due to moral ill luck.[66]

Of course, the justificatory requirement says more than that reasonableness requires justifying one's decision to oneself; it says that one must also be able to justify one's decision to the other relevant parties. A defender of the requirement might press the issue as follows. She might grant that reasonableness is a matter of being adequately responsive to the purported reasons that the other parties evidently would profess in good faith. However, she'd balk at the idea that adequately responding to those reasons amounts to allowing oneself to be swayed, at least to some extent, by those purported reasons regardless of their justificatory status. Instead, she'd main-

---

[66]The two papers that inaugurate recent discussion of "moral (ill) luck" are those of Bernard Williams and Thomas Nagel. Both papers are called "Moral Luck"; they initially were published together in the first supplementary volume of *Proceedings of the Aristotelian Society* (1976). My bibliography lists their definitive revisions.

tain that to count as an adequate respondent, I'd only have to be swayed by purported reasons *if they could be justified to me*. And if I need not be swayed by purported reasons in the absence of some justification for them that *I* ought to accept, then other parties need not be swayed by reasons that I purport to them in the absence of justification that *they* ought to accept.

This, I believe, is the crucial difference between those who uphold the justificatory requirement and those, like myself, who do not. The former are *stingier* with respect to which considerations a person must be swayed by to act reasonably; the latter are *more generous*. It will be useful to locate various philosophers on this continuum throughout the rest of this chapter.

What, then, would a stingy person, a defender of the justificatory requirement, say about the dispute between Brian and Joe? She might well fail to share my intuition that Brian does not act unreasonably when he leaves his initial congregation. In fact, while some of my acquaintances agree with me about this case, not all do; and those who disagree do so because, as they see it, Joe is not in a position to be convinced by Brian's claim that God has called him to depart for a different church. Even once it's pointed out that Brian and Joe agree on the importance of Brian's purported *moral* reasons – that both Brian and Joe think that God's calling should be followed above all else – these epistemically-minded acquaintances of mine note that Brian and Joe fail to agree on the crucial factual issue, which is whether God has called for Brian's departure. With respect to this decision, they say, a successful justification would require agreement on the factual issue as well as on the normative one. And disagreement on the factual issue might go very deep indeed. It might hinge on a different type of ideological dispute: not about morality or religion, but

81

about epistemology.

It's time to examine what certain rather stingy philosophers have had to say. But first, I want to briefly return to the question whether reasonableness requires justifying one's actions to such radical adversaries as sadists and amoralists. Rejecting the justificatory requirement allows me to say "No." However, upholding my own, less stingy conception of reasonableness forces me to concede this much: as long as it's incumbent upon one to believe that these depraved views would be professed to one in good faith, failing to adequately respond to these professions must count as unreasonable; and failing to respond to such professions amounts to failing to be swayed in favor of the practices they recommend, even if an adequate justification for those practices has not been offered. This aspect of my conception will strike many as counterintuitive. I will say more about this as the chapter goes along. Right now, I merely wish to note that the possibility of interacting with sadists and amoralists raises a problem for my conception of reasonableness just as well as for conceptions that endorse the justificatory requirement.

Justification, Continued: Gaus on Moral Demands

It's relatively uncommon for philosophers to discuss justification as a requirement for *R-reasonableness*. More often, they discuss whether it is a requirement for *legitimate governmental action*, where legitimacy is understood in the deontic sense that implies that an act of governance that is illegitimate is morally wrong. The question of illegitimate governmental action often hinges on the more basic issue of wrongful coercion. I have said that I am not going to discuss moral wrongness. Still, in the last chapter, I will discuss the relationship between reasonableness and coercion. What

I am interested in doing now is to discuss a small part of a long argument due to Gerald F. Gaus that ultimately aims to identify appropriate coercion and rightful governance. However, I am only going to address the early, "moral" stage of Gaus's overall political argument. If this stage of Gaus's overall argument is correct, then it may be thought to raise trouble for my conception of reasonableness.

First, some brief remarks about Gaus's overall project. In a long series of publications, he has presented a sophisticated political theory based on "public reason," or reasoning that is justifiable to all.[67] ("Public reason" is contrasted with "private reason," which examines what is justifiable from a person's individual perspective.) According to Gaus, public reason is what grounds morally appropriate uses of political power. Indeed, Gaus characterizes much political philosophizing since Hobbes as, fundamentally, attempting to describe appropriate public reasons for governance.[68] Gaus ultimately gives a "public reason" argument for a rather minimal state, moving from premises about certain general features of morality to a moral principle of political neutrality to the claim that all but a few typical governmental actions violate this principle and are therefore immoral.[69]

The moral part of this theory begins with an argument about about what it is to *issue a moral demand*. A consequence of this argument would appear to be that reasonableness has the justificatory component that I have been rejecting. I am going

---

[67]I'll list only his books on this topic, as well as three articles that give overviews of crucial aspects of his theory: *Value and Justification*, "Liberal Neutrality," *Justificatory Liberalism*, "The Moral Foundations of Liberal Neutrality," *The Order of Public Reason*, and "Public Reason Liberalism."

[68]Gerald F. Gaus, "Public Reason Liberalism."

[69]Gaus's gives perhaps the most concise exposition of this whole train of thought in "The Moral Foundations of Liberal Neutrality."

to focus on how Gaus presents the argument in Chapter 8 of his book *Justificatory Liberalism*. His exposition there is relatively clear and succinct, as well as especially noteworthy for having received a good deal of critical attention,[70] and so I'll discuss it even though it does not refer directly to reasonableness.[71] I will try to explain how it can be connected to reasonableness.

The "moral demand" argument, as I shall refer to it, begins with the observation that not all demands are moral. Gaus notes that "muggers, toddlers, and dictators all specialize in issuing demands."[72] What is the hallmark of a *moral* demand, then? Referring to two stock characters, Alf and Betty, Gaus says:

> When Alf makes a moral demand on Betty, he not only seeks to impose on her but, in the event of her ignoring his demand, he appropriately can blame her, resent her, feel indignation, and so on. Blaming another or feeling resentment that your moral demand has been ignored are only appropriate when someone has ignored demands when, as we say, she should have known better. These reactions are thus not appropriate toward babies or those who could not possibly have known about the relevant norm, rule, or principle. The culpability of others for ignoring moral demands, then, supposes that they had a reason for accepting the norm and acting on it, but failed to pay heed to this reason.[73]

These considerations lead Gaus to conclude that "in issuing a moral demand, Alf must be able to claim that there was a reason for Betty to embrace the demand."

---

[70]See Steven Wall, *Liberalism, Perfectionism, and Restraint*, pp. 115ff; Christopher J. Eberle, *Religious Conviction in Liberal Politics*, pp. 128ff; and Nicholas Wolterstorff, "The Justificatory Liberalism of Gerald Gaus."

[71]Gaus does briefly refer to reasonableness in a different presentation of the argument, in "The Moral Foundations of Liberal Neutrality," on p. 83. But, although he defines most of the moral vocabulary that he employs in that article, he does not say what he means by "reasonable." The role of that concept in that article is obscure; my best guess is that Gaus is referring to some internalist epistemic concept of reasonableness.

[72]Gerald F. Gaus, *Justificatory Liberalism*, p. 122.

[73]*Ibid.*, pp. 122–123.

Moreover, Betty must have epistemic access to that reason: Alf "cannot claim that there just is such a reason, whether or not Betty has access to it."[74]

It will be helpful to have the "moral demand" argument laid out step by step.

Suppose that Alf issues a demand to Betty. Is it a *moral* demand? Gaus argues:

(MD1) Alf's demand is a *moral* one only if Betty would be culpable for ignoring it.

(MD2) Were Betty to ignore Alf's demand, she would be culpable for doing so only if she had a reason *not* to ignore Alf's demand.

(MD3) Betty has a reason not to ignore Alf's demand only if it's justifiable, from her internal perspective, that she not ignore Alf's demand.

(MD4) Thus, Alf's demand is a *moral* one only if it's justifiable from Betty's internal perspective that she not ignore Alf's demand.

I have been characterizing reasonableness as responsiveness even to others' *merely purported* reasons (when these are, or evidently would be, advanced in good faith).[75] But I also wish to claim that reasonableness is a moral virtue. And it seems that reasonableness can be a moral virtue only insofar as the purported considerations (or, as Gaus calls them, "demands") to which responsiveness is exhibited count as moral ones. What is more, we can generalize from (MD4) – the conclusion of Gaus's argument – that purporting a consideration doesn't count as purporting a moral reason unless this item is justifiable from the internal perspective of the person to whom it's purported. So, if (MD4) is true, *moral* reasons are not purported at all unless they are justified from the perspective of the person to whom they're purported. And, if they are so justified, then they're always *genuine* reasons, never *merely* purported ones. So, if (MD4) is true, then my characterization of reasonableness is false.

---

[74] *Ibid.*, p. 123.
[75] See p. 58 of this dissertation.

For instance, if (MD4) is true, then in the example of Brian and Joe that I introduced in the previous section, Brian does not in fact purport a *moral* reason to Joe when he claims that God commanded him to leave for a different congregation. Thus, there would be nothing *morally* virtuous about Joe's feeling the tug of this consideration that Brian purports to him; he could, not unreasonably, choose to be stingy about it.

Though this may appear to be a dire problem for my project, a variety of responses are available to me. I can attempt either of two general strategies: I can challenge Gaus's argument for (MD4), or I can grant (MD4) and modify my characterization of reasonableness in a way that preserves its "spirit" and still allows me to appeal to that virtue in order to argue for political conclusions.

I'll begin with the first strategy. One way to resist Gaus's argument is to directly challenge (MD3), which is an application of the general doctrine that what counts as a reason for a person must be justifiable to her on the basis of her overall belief set. This is not quite the same as the frequently discussed doctrine that a person's reasons cannot be detached from her desires; on the latter view, a person does not have any reason to do what she does not have some desire to do, whereas according to the doctrine that underlies (MD3), she might well believe that she has a reason to do what she does not want to do. (Or so I have been interpreting Gaus.[76]) But whichever of the two doctrines underlies Gaus's argument, both are controversial. However, I won't here comment on the complicated challenges against them. Although my

---

[76]Steven Wall, in *Liberalism, Perfectionism, and Restraint*, on pp. 116–117, seems to misinterpret Gaus by assuming that his argument depends on the "reasons-internalism" articulated by Bernard Williams in "Internal and External Reasons" and opposed by John McDowell in "Might There Be External Reasons?" (See, especially, Wall's footnotes 22 and 23.)

characterization of reasonableness is perhaps friendlier to conceptions of reasons that deny (MD3), my mind is not made up on these issues, and so I don't want my case to depend on taking sides on them.

Another way to resist Gaus's argument is to challenge (MD1). This can be done by identifying possible circumstances in which it would seem that a moral demand has been issued to Betty even though she would not be culpable (i.e., blameworthy) for ignoring it.

Suppose, for example, that Betty is a morally stunted psychopath whose internal perspective does not generate any reason for her to accept the particular demand that Alf has issued to her. It might be that, if we knew the cause of Betty's psychopathy, we would refrain from blaming her for ignoring Alf's demand. Indeed, heeding the requirement for culpability that Gaus highlights, we might refrain from blaming Betty precisely because we judge that it is not the case that she "should have known better." But why would this disqualify Alf's demand from counting as a *moral* one? Certainly, psychopaths behave in ways that are morally *criticizable* even if they cannot be regarded as *culpable* for so behaving – indeed, the behavior they sometimes exhibit is paradigmatically morally faulty.

How, then, would Gaus's argument fare if it were reformulated in terms of criticizability rather than culpability?

> (MD1*) Alf's demand is a *moral* one only if Betty would be criticizable for ignoring it.
>
> (MD2*) Were Betty to ignore Alf's demand, she would be criticizable for doing so only if she had a reason *not* to ignore Alf's demand.
>
> (MD3) [the same premise as in the previous formulation of the argument:] Betty has a reason not to ignore Alf's demand only if it's justifiable, from her internal perspective, that she not ignore Alf's demand.

(MD4) [the same conclusion as in the previous formulation of the argument:] Thus, Alf's demand is a *moral* one only if it's justifiable from Betty's internal perspective that she not ignore Alf's demand.

In the event that Betty is a psychopath, (MD1*) seems more plausible than (MD1). However, (MD2*) and (MD3), taken together, run into trouble. These two claims entail that Betty is criticizable for ignoring Alf's demand only if it could be justified to her that she not ignore Alf's demand. However, the sort of case that we have been considering is one in which Alf cannot justify his demand to psychopathic Betty. But it's already been noted that Betty could still be appropriately criticized for ignoring Alf's demand; indeed, this is what motivated the substitution of (MD1*) for (MD1), which, in turn, motivated that of (MD2*) for (MD2).

The example of psychopathic Betty suggests that neither variant of the "moral demand" argument establishes (MD4),[77] and that both variants therefore fail to lead

---

[77]Christopher J. Eberle also rejects Gaus's argument by rejecting Gaus's account of "the relations between moral impositions, culpability, and justification" (Eberle, *Religious Convictions in Liberal Politics*, p. 132). His rebuttal of Gaus's account, however, appeals to an example of a person who is non-culpable in virtue of lacking the requisite control for culpability rather than the requisite knowledge. Since Gaus himself articulates a knowledge requirement for culpability rather than a control requirement, my own example is more pertinent than Eberle's. Moreover, I give a fuller discussion than Eberle of the possibility of formulating the "moral demand" argument in terms of criticizability rather than culpability. Eberle merely mentions criticizability and moral ignorance in the following passage:

> Although it's fairly obvious that we shouldn't aspire to or take joy in imposing our moral demands on those who lack good reason (given their respective evidential sets) to accede to those demands, I can see nothing morally *criticizable* in so doing and much that is morally desirable. . . . Although an ordinary moral agent in most respects, Jill [yet another illustrative figure] has a most serious *moral blind spot*: she is incapable of forming the concept of genocide and therefore can't appreciate our objection to collusion in genocide. Given the grave risk she poses to millions of innocent civilians, we should impose our moral norms on her, and others like her, as effectively as we can. (*Ibid.*, p. 133; my italics)

Eberle also writes in deontic terms ("we should"), whereas I try to avoid doing this. How-

straightforwardly to a refutation of my conception of R-reasonableness as respon-siveness *even* to reasons that are *merely* purported. However, it might still be asked: if psychopathic Betty could be appropriately criticized for ignoring Alf's demand, what might be the basis of such a criticism? Must it be that Alf's demand is morally correct? (If so, then my conception of R-reasonableness would need to be revised.) But it seems unlikely that this is so, because it would seem to involve an unacceptable attribution of moral ill luck to Betty's situation. After all, it's supposed that no justifi-cation is available to Betty for accepting Alf's demand. It seems mistaken to say that Betty's criticizability depends on whether Alf's demand, which she has insufficient epistemic access to, happens to be incorrect.

On the other hand, in line with my conception, might the criticism of Betty just be that she's *unreasonable* – that she fails to exhibit appropriate responsiveness to Alf's issuing of the demand, whether or not it's correct? If this is the right answer, then what determines whether a person responds reasonably or unreasonably to a purported moral consideration isn't the truth or justifiability of the consideration; rather, it's the nature of the purporter (or the purporting). And this is how I've been conceiving of reasonableness – for example, by suggesting that the purporting should be done sincerely, or in good faith.

Considering this line of thought helps us to see how my conception of reason-ableness could be interpreted so that it could be retained even if the conclusion of Gaus's "moral demand" argument were accepted.

Suppose that (MD4) were true: Alf's demand is a *moral* one only if it's justifiable from Betty's internal perspective that she not ignore that demand. One response

---

ever, we arguably make the same basic criticism of the "moral demand" argument.

available to me is to redescribe the purporting of reasons so that the act of purporting is not *the attempted issuing of a demand*.

Often, when we purport moral reasons to one another, we do seem to attempt to issue demands – especially when we present those considerations imperatively. A religious person might say: "God says we shouldn't fornicate, so we shouldn't." To a person to whom belief in God could not be justified, this wouldn't seem compelling *as a demand*. But it might well exert a tug upon an epistemically flawless nonbeliever because of what the believer expresses about *himself*. For, provided that he acts in good faith when he says that God says not to fornicate, the believer may well express a moral reason – a consideration that appears justifiable to *himself*. The motivating factor for the nonbeliever, in this case, is not that the believer *transmits* the reason that God says not to fornicate; it's that the believer communicates that this is a reason that *he takes himself to have*, presenting it as such to the nonbeliever.

Granting Gaus's view of the relationship between reasons and justifiability, then, I can take the position that there is a distinction between a particular person's having a reason and the existence or genuineness of that reason, and that the latter depends merely on *some* person's having that reason. That is, granting to Gaus the idea that for Jane to *have* a reason, R, it must be justifiable from her internal perspective (without consideration of others' perspectives) that R is a reason, I can insist that Jane can still acknowledge that R *exists* as a genuine a reason in virtue of *others'* having it, though Jane herself fails to possess R and it isn't transmissible to her (in the sense that it isn't justifiable from within her own perspective).

Gaus's emphasis on the notion of successfully transmitting a reason is high-lighted in another presentation of his argument. In this presentation, Gaus does not

appeal to the relations between such concepts as culpability, morality, and the issuing of a demand; he speaks only of issuing a reason, and of how this depends on justifiability. He says:

> To give someone a reason is to give her a consideration to φ that, if she employs her faculties in an informed, careful, competent, and reflective way, she can see as counting in favor of φ. Suppose Alf claims that R is a reason for Betty to φ, but Alf admits that even were she to be fully informed about information that is relevant, and she carefully and competently reflects on R, she still could not see how R is a consideration in favor of φ-ing. It is hard to see in what way Alf can say that R is a reason for Betty to φ; he has admitted that it really cannot be grasped by her reflective deliberation, and given that, it cannot be a reason *for her* to do anything. The idea of a reason that is unable to play a role in deliberation is surely odd. Perhaps it would be good for Betty to φ, but it seems implausible to say that *she* has *any* considerations that count in favor of φ.[78]

I can grant all of this and continue to uphold my conception of reasonableness. Reasonableness, as its name suggests, is a virtue of appropriate responsiveness to reasons. But, as a *moral* virtue, it is also largely other-regarding. It is therefore natural to understand it as a virtue of – in the first instance – exhibiting responsiveness to reasons possessed by others, though one may not possess those reasons oneself.

I say "in the first instance" because I think the scope of considerations that reasonableness exhibits responsiveness to can be extended beyond *genuine* reasons possessed by others. Suppose that you take R to be a reason, and you purport it as such to me. As I've described it so far, the justificatory requirement says that I wouldn't exhibit unreasonableness in refraining from allowing R to influence my deciding unless R could be *transmitted* to me as a reason, i.e., shown to be justifiable from my

---

[78]Gerald F. Gaus, "The Moral Foundations of Liberal Neutrality," p. 86; italics in the original.

internal perspective. I have rejected this requirement, suggesting that it would be unreasonable to ignore R if I understood it to be a genuine reason in virtue of being *yours*, i.e., justifiable to you. But this allows us to see the possibility of a different justificatory requirement. It might be insisted that I am only unreasonable if I ignore *genuine* reasons. And if R only appears to be justifiable to you, but is not, in fact, justifiable to you (perhaps because justification of R to you would be defeated by your other beliefs), then it fails to count as a genuine reason for any of the involved parties. I'm not sure what is the best thing to say about this new justificatory requirement. But either of the following options seems workable.

(1) In the spirit of what I've previously said, I could deny that what gives R its importance as a consideration is whether it makes the grade as a genuine reason. As far as my dealings with *you* are concerned, what's important about R is your good-faith endorsement of it to me. What is virtuous about my exhibiting responsiveness toward R is ultimately grounded on the importance of treating *you* appropriately rather than on the status of the consideration itself.

(2) In a more revisionary spirit, I could accept this new justificatory requirement but maintain that it wouldn't be difficult to satisfy. Suppose that you purport R to me, and I reply that R isn't a genuine reason because it isn't justifiable even from your own perspective, given other (presumably less replaceable) beliefs that you hold. If this leads you to renounce R, then we no longer disagree about whether it should influence our deciding. But you might, instead, insist that R's status as justifiable to you is not defeated by your other beliefs. If it's evident to me that your insistence is done *in good faith*, involving no deceit or dishonest neglect of your other beliefs, then it seems I should conclude that R *is* justifiable from your own perspective. I may also

note that your perspective is constituted by conflicting beliefs; but this is beside the point. *R* would still count as justifiable from your perspective, and so it would count as a genuine reason. Of course, on my view, reasonableness involves responsiveness to reasons that one is justified in believing *would* be purported in good faith, were discussion to occur. It is not always easy to form a justified belief about what a person would purport in good faith if, in discussion, an interlocutor were to point out an apparent inconsistency in his beliefs. But this complication has to do with what we are justified in believing would be purported (in good faith), which is not the concern of the justificatory requirement.

I lean toward the first of these options. I, personally, am inclined to think that what makes it virtuous to respond to the considerations that others purport to us depends on the status of those people – as humans, perhaps, or as reasoners, or as participants in our various relationships – more than on the justifiability of the considerations themselves. But I am not going to argue that (1) is preferable to (2). I will continue to write as if (1) were correct; however, I believe that my view *could* be recast in light of (2) instead, and that applications of the resulting conception of reasonableness would be the same as applications of a conception built around (1).

Reasonableness as a Virtue of Collective Deciding: Scanlon

Among the most influential appeals to R-reasonableness in the philosophical literature is that of T. M. Scanlon. The notion plays a crucial role in his contractualist theory of behavioral rightness and wrongness.[79]

---

[79]This theory is formulated as follows:

Contractualism . . . holds that an act is wrong if its performance under the

93

Unfortunately, Scanlon says very little about what reasonableness amounts to. This in itself need not be problematic for his appeal to that concept. As a commonsensical, ordinary virtue, reasonableness can be assumed to be at least partly understood by most readers on the basis of intuition. But the passages in which Scanlon characterizes reasonableness are surprisingly unhelpful for inquiries that focus on that virtue rather than on its related deontic concepts.

I now turn to the main passage in Scanlon's book, *What We Owe to Each Other*, in which he addresses reasonableness head-on.

Scanlon tells us that when we attribute reasonableness to someone, "a certain general aim or concern is presupposed."[80] What is this aim? Scanlon elaborates:

> When we say, in the course of an attempt to reach some collective decision, that a person is being unreasonable, what we often mean is that he or she is refusing to take other people's interests into account. What we are claiming is that there is reason to take these interests into account *given* the supposed aim of reaching agreement or finding a course of action that everyone will be happy with.[81]

On Scanlon's view, a person qualifies for the appellation "unreasonable" in virtue of failing to do what she has reason to do, which is to take others' interests into account. She has reason to do this because of a certain aim or value that is assumed

---

circumstances would be disallowed by any set of principles 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*, p. 153; my italics)

As I explain in Ch. I, rightness and wrongness aren't my concern, and so I won't comment on Scanlon's contractualist theory here. However, I should note that if Scanlon's conception of reasonableness conflicts with my own, then adopting my conception might be one way to resist his deontic theory and the practical conclusions that he draws from it.

[80] *Ibid.*, p. 33.

[81] *Ibid.*, p. 33; italics in the original.

for her. But Scanlon here gives two different characterizations of the value at issue in these sorts of cases (cases of making a collective decision). On the one hand, he counts "reaching agreement" as valuable; on the other hand, he says that what is valuable is "finding a course of action" that the agents and others "will be happy with." (I take it that the attitude of "being happy" that Scanlon refers to here is to be understood in a broad sense, as encompassing not only enjoying, taking pleasure, and the like, but also abstractly endorsing and approving.)

It is also unclear what Scanlon means by "collective decision." Does he mean a decision arrived at as a group, or one that affects the members of a group?

Some commentators have interpreted Scanlon's notion of (un)reasonableness as essentially concerned with making group members "happy" rather than with reaching agreement. For example, Derek Parfit says: "We are unreasonable, in [Scanlon's] sense, if we ignore, or give too little weight to, some other people's well-being or moral claims."[82]

If this is all that Scanlon really means, we can detach this idea from that of "reaching agreement." For example, I can exhibit reasonableness toward distant foreigners by allowing myself to be influenced by their personal interests and moral beliefs when I vote in globally consequential domestic elections, even if I never enter into any agreement with those foreigners. On this interpretation, Scanlon's conception of reasonableness is very much like my own.

But Scanlon is usually, and I think rightly, interpreted as suggesting that reasonableness is a virtue, and unreasonableness a vice, pertaining to the manner in which

---

[82]Derek Parfit, "Justifiability to Each Person," p. 368.

a decision is collectively arrived at.

Indeed, it is common for philosophers to characterize reasonableness in this way. This leads them to link reasonableness with fairness. Robert Merrihew Adams, for instance, understands reasonableness as "an ability and willingness to take other people's viewpoints and interests fairly into account in trying to agree with them on ways of living together."[83] For Rawls, also, reasonableness and fairness appear to be closely connected.[84]

What I want to do in the next two sections is to explore this idea that reasonableness is a virtue that pertains, either necessarily or paradigmatically, to situations of deciding or participating jointly. I won't try to argue that reasonableness shouldn't *paradigmatically* be understood in this way. Rather, I'll argue against what is thought to be a consequence of this idea: the claim that reasonableness need not come into play as a virtue if others don't reciprocate it; or, more precisely, that it is not unreasonable for us to decline to treat others reasonably when they are unwilling to exhibit reasonableness toward us.

Reasonableness and Reciprocity: McMahon

In his recent book *Reasonableness and Fairness*, Christopher McMahon purports to tidily explain what those two virtues are and how they are connected to each other. He makes the following claims.

(1) The morality of *direct* concern is distinguishable from that of *reciprocal* con-

---

[83]Robert Merrihew Adams, *A Theory of Virtue*, p. 209. See also the dictionary definition (f) given earlier in this chapter, on p. 38.

[84]I'll discuss Rawls in the next chapter.

cern. The morality of direct concern spells out reasons for treating others in certain ways no matter whether those others are involved in a cooperative arrangement with oneself. For example: I may have a moral reason to alleviate another's pain even if we are not involved together in any cooperative project. On the other hand, the morality of reciprocal concern supplies one with reasons for promoting the goals that prompt others to participate in a cooperative endeavor with oneself, provided that those others reciprocate by promoting one's own goals for participating in that endeavor.[85]

(2) The virtues of reasonableness and fairness both belong to the morality of reciprocal concern rather than to that of direct concern.[86]

(3) Each cooperating party may well have to make concessions in order to promote the goals of the cooperative arrangement. Reasonableness and fairness both aim to equalize each party's concessions.

(4) These concessions may be distinguished from each other in the following way. A concession

> can present itself *ex ante*, in the process of establishing the terms of cooperation. Or it can present itself *ex post*, in the process of maintaining, in one's role as a participant, cooperation on the basis of (what one takes to be) an appropriate formal or informal cooperative scheme.[87]

(5) Fairness is characteristically employed with regard to concessions presented *ex post*.

(6) On the other hand, reasonableness, as a moral virtue, "finds its characteristic

---

[85] Christopher McMahon, *Reasonableness and Fairness*, pp. 3 and 23–24.
[86] *Ibid*., pp. 3 and 4.
[87] *Ibid*., p. 14. The next quotation, also, is from this page.

employment in connection with" concessions presented *ex ante*.

(7) This moral kind of reasonableness which is directed toward equalizing concessions among parties to a cooperative scheme is to be distinguished from faculty-based reasonableness, or what McMahon calls reasonableness in the "competence" sense, according to which parties are reasonable only if they reach a certain threshold level of proper cognitive functioning.[88]

(8) McMahon says that a *reasonable cooperative scheme* or a *reasonable cooperative arrangement* is one that is agreed upon by suitably competent parties who are reasonably disposed in the moral sense, i.e., who are disposed, during the *ex ante* stage of ongoing negotiation, to equalize concessions.[89]

McMahon brings all these ingredients together to account for how *outcomes* can be fair. This occurs in virtue of the outcomes having resulted from the fair implementation of cooperative schemes agreed upon by sufficiently competent reasoners whose motives are reasonable in McMahon's moral sense.

McMahon's account has certain attractive features. First, it spells out the theoretical relationship between reasonableness and fairness, two concepts that often are paired together pre-theoretically. Second, it refrains from specifying, at the outset of a collective decision procedure, which cooperative arrangements, policies, or outcomes are reasonable (or fair). It leaves room for parties to determine these matters through negotiation. Since the parties' goals are not antecedently specified, this al-

---

[88]McMahon thinks that reasonableness (or, rather, unreasonableness) in the "competence" sense is a matter of degree only up until it reaches the threshold for proper cognitive functioning; once a person achieves the threshold level, she is not more or less reasonable than others who are reasonable in the "competence" sense. See *Reasonableness and Fairness*, p. 68.

[89]*Ibid.*, pp. 12–14.

lows reasonableness to remain compatible with a wide range of moral, religious, and personal outlooks, which it must do if it is to be acknowledged as a virtue of common sense. Third, it is attractive to think that a person's reasonableness can be explained as a disposition to reduce the concessions that each person must make in a cooperative endeavor.

In what follows, I won't be concerned with McMahon's distinction between reasonableness and fairness. For one thing, it isn't clear how strictly he intends the distinction to reflect the contrast between *ex ante* and *ex post*. I already have noted that McMahon allows that cooperative arrangements can be described as reasonable or unreasonable; however, on his view, they also can be described as fair or unfair:

> An arrangement is judged unfair when concession is perceived to be unequal. Often when the parties to a cooperative arrangement seek to establish what would constitute a fair way of organizing it, they begin by taking note of the disparities of concession that are, or would be, associated with particular forms of organization, and then consider what would be required to eliminate them.[90]

McMahon might insist that the moral virtue of reasonableness that the parties exhibit by noting and seeking to eliminate disparities of concession is *primary*, and that the reasonableness that we attribute to a cooperative arrangement that results from a successful negotiation is merely *secondary*. This would allow him to distinguish reasonableness from fairness by maintaining that a cooperative arrangement can be fair in some primary sense. As I've said, however, I'm not concerned with whether the line between reasonableness and fairness is where McMahon draws it.

Nor will I now discuss whether reasonableness is especially concerned with *equal-*

---

[90] *Ibid*, p. 26.

izing concession. I believe that this characteristic is much more plausibly assigned to fairness than to reasonableness. In any case, I'll discuss the distributive issue at the heart of reasonableness in the last section of this chapter (pp. 116–118).

What I wish to address now is McMahon's claim that reasonableness belongs to the morality of reciprocal concern rather than to that of direct concern. McMahon doesn't provide an independent argument for this claim. Whether the claim is plausible therefore depends on how well it explains attributions of reasonableness and/or unreasonableness in specific cases. I'll now consider two cases.

Cinderella and her wicked stepmother. We would say that it's unreasonable of Cinderella's stepmother, having entered into an agreement with Cinderella that the latter be allowed go to the ball upon the completion of her chores, to proceed to give Cinderella so many chores to do that she couldn't possibly finish them in time to go to the ball. Although this is not a genuine case of reciprocal concern, it might be argued that it actually counts in favor of McMahon's view, because it seems that the failure of reciprocity is what makes the stepmother's behavior unreasonable. Certainly, McMahon's account allows us to say why the stepmother isn't reasonably motivated: she isn't genuinely willing to reciprocate Cinderella's concessiveness (this is why she proposes an arrangement that will ultimately allow her not to concede anything to Cinderella). However, what McMahon's account must explain is not only why the stepmother herself is unreasonable, but also why her action of giving so many chores to Cinderella that she couldn't finish them in time to go to the ball is unreasonable. And this, the account cannot do. For if Cinderella were to complain that the piling on of chores is unreasonable because it blocks her from meeting own goal of attending the ball, her stepmother could point out that Cinderella has entered into

an arrangement whose period of negotiation has ceased, and that on McMahon's account, reasonableness comes into play as a virtue *only while an arrangement is still being established*. (Notice, also, that on McMahon's account, Cinderella would have trouble arguing that the piling on of chores is *unfair*.)

It might be objected that the arrangement wasn't entered into competently by Cinderella – she should have been disposed to think more carefully about how her stepmother might exploit the arrangement – and that this allows the stepmother's action to avoid being counted as unreasonable (inhumane though it may be). But the case can be designed to circumvent this objection, e.g., by specifying that the stepmother has acted with such cunning (winning trust only to smuggle in nasty clauses with the fine print) that Cinderella was justified in not worrying about being deliberately prevented from meeting her own goals.

On the other hand, if reasonableness is held to be a virtue of *direct* concern, Cinderella can complain that her stepmother's piling on of chores is unreasonable simply because it exhibits disregard for the goals that Cinderella has put forward in good-faith deliberation.

Unwelcome advances. The Sentinelese, an island people of the Indian Ocean, are known to attack any outsider who tries to contact them. Not long ago, they were in the news for killing a Christian missionary who was doing just that. Let's stipulate what appears to have been the case, that the missionary went to the Sentinelese knowing, or at least justifiably believing, that they would reject his advances. He could not realistically have expected to enter into any cooperative arrangement with the Sentinelese, yet he persisted. This was unreasonable of him to do.

Again, we must be careful about which action receives the attribution of unrea-

sonableness. It is not that the missionary was unreasonable to expect that his goals, or those of the Sentinelese, would be promoted by his attempt to contact that people (though that expectation may well have been unreasonable, too). Rather, the claim is that the missionary *treated the Sentinelese unreasonably* by attempting to contact them even though they'd provided ample evidence to indicate that they didn't want to be contacted. (In the language of my own theory of reasonableness, the missionary was justified in believing that the Sentinelese would have provided a good-faith avowal of their goal not to be contacted by him, had the two parties somehow been brought into discussion with each other.) The missionary's fault was basically the same as that of a person who persists in making unwelcome romantic advances in the face of clear, repeated rejection; only, the missionary's example is starker because it involves no cooperative connection whatever – not even a civic or cultural connection – between himself and the people to whom he made his unwelcome advance.

My own view straightforwardly expresses the unreasonableness of the missionary's action as a failure of direct concern for the goals of the Sentinelese.[91] However, it isn't clear that McMahon's view can account for this unreasonableness. Reciprocity seems irrelevant to the judgment about the missionary's unreasonableness, except in considering that the Sentinelese invariably refuse to reciprocate outsiders' attempts to enter into cooperative arrangements with them. But, apart from its function as an expression of the Sentinelese's goals, this lack of reciprocity does not pro-

---

[91]This is not to say that what the missionary did was morally wrong or that there was nothing virtuous about his action. Small as the possibility of helping to bring spiritual salvation to the Sentinelese might have been, it would have counted heavily in favor of trying to contact that people. The action therefore exhibited direct concern for the Sentinelese. But this doesn't overturn my claim that in order to bring about this great good, the missionary also treated the Sentinelese with unreasonableness.

vide the right sort of explanation needed for this case. If anything, it would support the judgment that it was *not* unreasonable for the missionary to decline to respect the Sentinelese's goals, since he had reason to think that they wouldn't respect his own goal of cooperating with them. But this is the opposite of the intuitive judgment that his action was unreasonable.

Reasonableness and Relationships: Laden

In his thinking about reasonableness, Anthony Simon Laden focuses on what it is to *deliberate* reasonably. Deliberation can be done by one person; paradigmatically, however, it is constituted by interpersonal dialog, Laden believes, and I will restrict my own discussion to this sort of deliberation. Laden describes a paradigmatic case that involves deliberation between two people over how to spend an afternoon:

> Pat is trying to get some work done. Sandy, noticing what a beautiful day it is outside, suggests that they go for a walk together. Pat responds that the work is going well and it needs to get done, and that taking a walk now would interrupt things at a crucial point. Sandy asks how much longer Pat has to work, and Pat responds, "Only an hour." Since it is only one in the afternoon, they agree to go for a walk in an hour, and Sandy leaves Pat at the computer and goes out on the porch to read a book.[92]

Like Gaus, Laden analyzes the moral import of the situation by asking what, exactly, happens when the different parties offer considerations to each other. We have seen that Gaus describes the offering of considerations as the issuing of moral demands. Laden's description is similar: he says that in issuing their respective considerations, Sandy and Pat make *claims* on each other. Sandy makes a claim on Pat

---

[92] Anthony Simony Laden, *Reasonably Radical*, pp. 80–81.

for them to go walking together; Pat makes a claim on Sandy to be allowed to finish working; and "the rest of their exchange can be understood as working out together how to reconcile those claims, how to acknowledge and adequately respond to their normative authority." Each claim, Laden says, is acknowledged by both parties to constitute "at least a *prima facie* reason" in favor of this or that option.[93] But notice that unlike Gaus, Laden does not insist that the reasons all be justifiable from each party's internal perspective.

Reasons offered in interpersonal deliberation, then, are to be understood as claims. Like Gaus, for whom issuing a moral demand to a person is to be understood as issuing a consideration that is internally justifiable to that person, and therefore is authoritative for that person, Laden offers an account of what grounds the authority of a claim. It is not epistemic authority, as on Gaus's account; rather, it is the nature of the parties' interpersonal relationship.

Furthermore, Laden says (and this is perhaps his most illuminating contribution), what sort of claim a party to a relationship can properly make upon another party depends on the nature of that relationship:

> Perhaps we are professional colleagues but not especially close, and then I can claim certain kinds of conduct from you, such as a willingness to evaluate my work, but perhaps not tenderness. . . . Claims become reasons because they derive authority from our relationships and the authority we give them.[94]

Here, it is an advantage of the theory, rather than a drawback, that the boundaries of many relationships are rather vague; for this accommodates the intuition

---

[93] *Ibid.*, p. 81.
[94] *Ibid.*, p. 82.

that it's at least partly up to the members themselves to define the contours of the relationship, through the aforementioned process of "working out together how to reconcile [competing] claims."

The examples considered so far involve established relationships. (Sandy can make a claim upon Pat to come for a walk because they already are friends, or spouses, or whatever.) Indeed, these cases are the paradigms. But some other situations that do not involve this are similar enough to the paradigms to count as exhibiting reasonable deliberative activity.

In some cases, when one party offers a consideration to another party, this amounts to an *invitation to enter into* a relationship that would allow certain reasons to be shared as a basis for deliberation. As I understand Laden, this invitation can itself be reasonable.[95]

Having extended his account to cover invitations to join in relationships, Laden proposes two general, necessary conditions for deliberation to be reasonable.

The first condition is that "each of the deliberators must offer reasons to the others on the presumption that they together form a *plural subject*, and that their deliberations are the deliberations of the plural subject they form together."[96] Laden borrows the term "plural subject" from Margaret Gilbert.[97] Roughly, for people to act as a plural subject is for them to *act together* – this is Gilbert's phrase – or, as Laden puts it, it is for them to act with a "shared will" such that there is at least a "significant overlap" between the different parties' understandings of the reasons

---

[95] This is not to say that such an invitation cannot be unreasonable. Recall, from the previous section, the example of the missionary and the Sentinelese.

[96] Anthony Simon Laden, *Reasonably Radical*, p. 96; my italics.

[97] Margaret Gilbert, *On Social Facts*.

that may influence their action.[98]

While the first condition specifies which considerations are appropriate to offer, the second condition specifies which professed considerations are appropriate to reject outright (that is, to not even admit as *prima facie* reasons). These are considerations based "on a warranted criticism of the presumption that sustains the original claim." Laden illustrates:

> A wife might reject a claim made by her husband that is supported by her identity as a wife . . . First, she might object to their relationship being understood as a relationship between two unequal partners. . . . Second, [even if she were to grant this understanding of the relationship,] she might . . . contest the particular obligation that comes with being a wife (she might accept that it includes giving emotional support but not providing complete and constant sexual access). Finally, she might even accept the traditional subjugated sexual role of a traditional wife and yet reject this particular entreaty on the grounds that it would conflict here and now with some other aspect of her identity that he does or is bound to respect ("Not now, honey, the children need me.").[99]

Summarizing what these examples of the wife and husband have in common, Laden says:

> In all of these cases, we can understand [the wife's] rejection of the reasons her husband offers as involving a challenge to his presumption about the nature of the plural subject they form. Unless these challenges affect the further course of the deliberation, that deliberation is not reasonable.[100]

For Laden, then, the "deliberative action" of offering a claim or counter-claim upon another person is reasonable only if that claim or counter-claim is appropriate

---

[98]Anthony Simon Laden, *Reasonably Radical*, p. 96.
[99]*Ibid.*, p. 96.
[100]*Ibid.*, pp. 96–97.

in the context of the relationship that one already shares with that person (or *would* share with that person, if the offering of the claim is tied to an invitation to enter into *that* relationship). Moreover, we can see how Laden's theory of the reasonableness of deliberation can be expanded into a more general, unified theory of reasonableness. Having understood the deliberative act of offering a particular claim to be reasonable in virtue of *its* relational appropriateness, we can also understand non-deliberative acts that are in line with the parties' eventual decision to be reasonable in virtue of *their* relational appropriateness. (For example, once Sandy and Pat decide together for Pat to be allowed to complete an hour of work and then for both of them to go for a walk together at two o'clock, it is reasonable for them to actually follow through upon this decision.) We can also characterize reasonable *people* as those disposed to make reasonable claims and to act in line with them; and so on.

This is a sophisticated, powerful theory of reasonableness. Perhaps what is most is impressive is how it explains the unreasonableness of certain demands as arising from a lack of shared understanding of the relational roles that the different parties occupy. I am not interested in arguing *against* this theory. Indeed, I am happy to grant it as *one* argument that could allow the members of a society to recognize reasonableness as a virtue. (I will present other arguments in Chapter IV of the dissertation.) What I wish to point out now, however, is that this relational account is compatible with my own account of reasonableness as responsiveness to considerations that one is justified in believing would be purported in good faith by affected parties. In particular, I'll argue that it *isn't* the case that reasonableness toward others comes into play as a virtue only if it's reciprocated.

Despite the explanatory power of the relational account, one might worry that it

fails to shed light on why certain claims are reasonable or unreasonable. One might object against Laden that it can be reasonable for you to direct basic moral claims to me whether or not I am in a relationship with you: for example, if we are strangers who merely happen to pass near each other while driving our speedboats on the high seas, you can still direct a moral claim to me to drive less recklessly. Laden has an answer to this objection. He interprets such claims as being directed by one person toward another *as upon a fellow member of the moral community*. "Perhaps," he says, "we are only related insofar as we are both human beings, and then our relationship might only sustain basic moral claims."[101] But what sort of relationship could this be? How could it be said to involve a "shared will" or understanding? Laden elaborates:

> In making basic moral claims on fellow members of the species I am relying on a particular (though perhaps unarticulated) understanding of the meaning of our common membership, whether it is as fellow inhabitants of a planet with limited resources, as fellow rational creatures, as fellow creatures made in the image of God, or whatever. Making such a claim in good faith thus involves the thought that this understanding is one we either share already or could come to share.[102]

Imagine again two strangers driving their speedboats out on the high seas. One makes a claim on the other to drive less recklessly. The other asks: "Who are you to make this claim upon me?" The first replies: "I am your fellow member of the moral community." This person's reply presupposes the idea that both parties share an understanding as members of the moral community, or else that they could come to share such an understanding. This person may therefore be rather taken aback when the reckless driver replies that she is a staunch amoralist.

---

[101] *Ibid.*, p. 82.
[102] *Ibid.*, p. 82, footnote 13.

Now, Laden has suggested that when one of the participants in a relationship challenges the nature of that relationship in some way, then "unless these challenges affect the further course of the deliberation, that deliberation is not reasonable."[103] On Laden's view, then, if the moralist continues to press basic moral claims against the amoralist – in so doing, *inviting* her to share the moralist's understanding of practical goals rather than presupposing that they *already* share it – then, at some point, the moralist's invitation fails to count as reasonable, as long as the amoralist offers no sign of becoming willing to accept the moralist's overtures. (Recall that, for Laden, it is necessary that, for an exchange of considerations to count as reasonable, the parties *share* an understanding; they must have some goal that is the same.)

It would seem, then, that on Laden's view, there would have to be some sort of shared understanding, even between a moralist and an amoralist, for reasonableness to be a feature of either party's behavior. Because of how different these two parties' moral perspectives are, it might be doubted whether this could be achieved. In fact, however, it would be easy for the moralist to achieve it. If he were to ask the amoralist what she would prefer him to do, he could exhibit reasonableness toward her by adopting those preferences as (*prima facie*) goals for himself and by allowing himself to be *moved* to act in line with her preferences. (He need not ultimately act in line with those preferences if he judges the reasons generated from his own perspective to outweigh the preferences of the amoralist.) If the amoralist refuses to respond to his query about what her preferences for him are – or if, like the Sentinelese, she responds with violence – then the moralist, like the missionary, is in a position to justifiably conclude that she prefers that he not to ask what her preferences are; and

---

[103]Recall *ibid.*, pp. 96–97.

this, too, he could adopt as a *prima facie* goal for himself.

Some sort of relationship, then, could always be established, even between extremely opposed parties. The question, then, is what to say about cases in which reciprocity fails: cases in which one party fails to perform his or her role in a relationship. From the perspective of Laden's theory, it would seem that in many such cases, the aggrieved party's next reasonable move would be to redefine the relationship by proposing new expectations for it.[104]

If the aggrieving party is a serial unreciprocator, however, the deliberative process may eventually lead the parties to define the relationship as similar to what occurs between the amoralist and the moralist, as a relationship in which one party's role simply does not include reciprocation. If the aggrieved party is reasonable, she will not see her role in this new relationship as simply disposable. The inequality or exploitation in the relationship doesn't, by itself, excuse her from performing her new role. Indeed, inequality and exploitation are features of many ordinary relationships – think of Laden's examples of wives and husbands – but this doesn't mean that it wouldn't be unreasonable for an occupant of a role to simply abandon that role without first redefining the role through a process of reasonable deliberation.

Reasonableness and Empathy: Stanley

It might be objected that my conception of reasonableness is too rationalistic, too unemotional. It exalts an ideal of conduct toward others that says nothing about

---

[104]I do not say that this would have to occur in *all* such cases. The aggrieving party might genuinely repent, and the aggrieved party might choose to forgive the aggrieving party. In such a case, the relationship might not need to be redefined.

what we should *feel* for them. Some philosophers have insisted that virtue has an emotional component. One who recently has applied this way of thinking to the virtue of reasonableness is Jason Stanley, in his book *How Propaganda Works*.

In its barest outline, Stanley's account of reasonableness is not very different from most philosophical accounts (e.g., Rawls's, Scanlon's, or Gaus's). Stanley proposes an account of the reasonableness of persons and, by extension, of communities. "To be reasonable," he says – he means to be reasonable as a *person* – "is to be accountable to everyone in the community. A reasonable person acts only in ways that would be acceptable from every perspective; the reasonable person takes herself to be accountable to everyone in the community."[105] Then Stanley gives his theory of what it is for a *community* to be reasonable:

> [The community] is governed by norms of mutual respect and mutual accountability. A community governed by the normative ideal of reasonableness is one in which citizens have mutual respect for everyone else in the community and take their actions to be accountable to everyone else in the community.[106]

A reader might quibble with Stanley's claim that to be reasonable, one must regard one's actions as accountable to absolutely every person in one's community. But this issue can be set aside. In a different passage, Stanley emphasizes that reasonableness is an *ideal* – something that is commendable when it is attained to a certain degree, even if it is never fully attained. As he puts it, "Ideals can perform a regulative function while still being realistic."[107]

What must be emphasized is that the attitude of regarding one's actions as ac-

---

[105] Jason Stanley, *How Propaganda Works*, p. 108.
[106] *Ibid.*, p. 108.
[107] *Ibid.*, p. 104.

countable to others is crucial for Stanley's account of reasonableness. This is another endorsement of the justificatory component, which I have rejected; but I shall set aside my previous criticisms. Stanley then connects the accountability attitude to human emotion: "Possessing such an attitude requires, at least for humans, *empathy or the capacity to put oneself in another's shoes*."[108] This is because successfully judging how others would evaluate one's behavior requires adopting their perspectives.[109]

Stanley also characterizes reasonableness by quoting a passage by Amia Srinavasan:

> Suppose that I inherited from my rich parents a large plot of vacant land, and that you are my poor, landless neighbor. I offer you the following deal. You can work the land, doing all the hard labor of tilling, sowing, irrigating and harvesting. I'll pay you $1 a day for a year. After that, I'll sell the crop for $50,000. You decide this is your best available option, and so take the deal.[110]

He then comments:

> If I think of our bargain in terms of rational self-interest, then it is rational to offer you $1 a day, knowing that you have no other prospects. But I am clearly not being *reasonable*. I am not imagining someone in your situation, and then asking what would seem fair from that perspective.[111]

One might object that the scenario, as described by Srinavasan, does not tell us which distributive principles the laborer subscribes to. For all that has been said, the

---

[108]*Ibid.*, p. 108; italics in the original.

[109]*Ibid.*, pp. 108–109. Elsewhere, Stanley says that reasonableness, as discussed in recent political philosophy, is the norm of "equal respect for the perspective of everyone subject to the policy under debate" (p. 94).

[110]Amia Srinavasan, "Questions for Free-Market Moralists"; quoted by Jason Stanley in *How Propaganda Works*, at p. 105. Unlike Stanley, Srinavasan does not explicitly draw any lessons about reasonableness from this story.

[111]Jason Stanley, *How Propaganda Works*, p. 105; italics in the original.

laborer might believe that minimizing the restrictions upon the transfer of property through ancestral inheritance is more important than ensuring equitable ownership within a community. If this belief were among the items of the laborer's conscience, then someone who imaginatively adopted the laborer's perspective might well judge the bargain to be fair. However, regarding this case, Stanley appears to be setting aside the parties' *actual* moral beliefs in order to decide, via the imaginative exploration of the parties' diverse perspectives, which beliefs about the fairness of property distribution *ought* to be adopted.[112] Once the laborer's actual principles are set aside, all that is left of the laborer's perspective to imaginatively explore is emotion.[113] This is why, for Stanley, empathy, understood as imagining another person's moral emotions, is so important. (Stanley does not explicitly characterize empathy in this way, but we might do so on his behalf.)

However, when we interact with another person in real life, we typically are confronted with a bundle of moral convictions that that person *actually* regards as important. Reasonableness requires taking these moral convictions and other reasons into account. Perhaps this will be easier for us to do if we are empathetic: we will be more vividly aware of how another person is angered, dismayed, or discouraged when his convictions are violated. But in many cases it will be possible to treat others reasonably without connecting with them emotionally. The fact that a certain

---

[112]One might read Stanley as offering, in his discussion of this scenario, a characterization of a *reasonable principle of distribution* as one which has been arrived at through empathetic engagement with each of the parties' perspectives. On this reading, "fair" and "reasonable" would be roughly equivalent – a common enough usage. Recall definition (f) on p. 38 of this chapter.

[113]This need not require setting aside everything about the laborer's moral perspective. Among the emotions to be explored are *moral* emotions that are spontaneous, i.e., not generated from antecedent convictions.

consideration is treated as a genuine reason by another party is all that we need to know in order to adopt that party's perspective – at least if that party regards the consideration as overridingly important. We need not make any imaginative effort; we need only to acquire information.

Empathy regains its usefulness to the extent that the moral belief (or other guiding consideration) in question diminishes in importance for the other party. If the belief is not overriding, or not clearly situated with respect to that person's other guiding considerations, then one way to determine how much it matters to that person is to imagine the emotions that would be provoked by neglecting or going against that consideration. Even so, I maintain that while the reasonable person will find empathy to be useful insofar as it helps her to discern others' moral convictions and other purported reasons, empathy is not a part of the *core* of reasonableness. A person who is unable to imagine others' emotions treats others reasonably when she responds with appropriate concessiveness to the considerations that they offer (or would offer). Identifying those considerations does not always require emotional engagement; in many cases, testimony or observation will provide enough evidence.

Moreover, emotional engagement is not always as beneficial as Stanley assumes it to be. It's instructive to look at how Stanley discusses a different case – that of U.S. whites' judicial mistreatment of their black fellow citizens, as decried by W. E. B. Du Bois in a passage of *The Souls of Black Folk*. Stanley explains the evil as arising from a lack of empathy. However, his explanation does not convincingly describe a *failing* of emotional imagination. Du Bois's passage is as follows:

> It is pitiable that frantic efforts must be made at critical times to get
> law-makers in some States to even listen to the presentation of the black
> man's side of a current controversy. . . . The laws are made by men who have

little interest in [the Negro]; they are executed by men who have absolutely no motive for treating the black people with courtesy or consideration; and, finally, the accused law-breaker is tried, not by his peers, but too often by men who would rather punish ten innocent Negroes than let one guilty one escape.[114]

Stanley explains why this judicial mistreatment arose:[115]

Those who created the laws did not have *empathy* for . . . their Black fellow citizens. The lack of empathy meant that the laws were crafted in such a way that did not reflect *respect* for the viewpoints of Black citizens; lawmakers will not listen to the "respectful presentation of the black man's side of a current controversy."[116]

But nothing in Du Bois's passage suggests that the perpetrators of this mistreatment failed to understand, or were uninterested in, their victims' emotions. Indeed, the last sentence of Du Bois's passage alleges that white jurors were well aware of the fear that their unjust verdicts were bringing to black communities. The jurors preferred to "punish ten innocent Negroes than let one guilty one escape." Their objective in employing this officially sanctioned terrorism was to keep blacks fearfully subjected to them. Keeping this in mind, when we return to the earlier part of Du Bois's quotation, we can interpret the white lawmakers' dismissal of black citizens as calculated but not unfeeling.

Finally, without taking a side on the issue, I wish to mention that other writers have recently argued that a focus on empathy as a governmental virtue is subject to dangers of various kinds.[117]

---

[114]W. E. B. Du Bois, *The Souls of Black Folk*, p. 106; quoted by Jason Stanley in *How Propaganda Works*, at p. 100.

[115]Stanley wrongly attributes this explanation to Du Bois.

[116]Jason Stanley, *How Propaganda Works*, p. 101; italics in the original.

[117]See, especially, Paul Bloom, *Against Empathy*.

Distributing Responsiveness

I wish to conclude this chapter with a few more remarks about the *distribution of responsiveness* to those purported reasons that reasonable parties must be responsive to. Some philosophers, such as McMahon, assume that equality is the distributive proportion that reasonableness must aim to realize (hence, he treats both reasonableness and fairness as virtues that aim to equalize, or correct disparities between, different parties' concessions). But this is hardly the only available view. It is possible, also, to think that the reasons purported by *certain parties* (God, experts, etc.) ought to carry lexical priority, greater weight, or tiebreaking prerogatives over the reasons purported by other parties; or that a party may assign lexical priority, greater weight, or tiebreaking prerogatives to reasons *purported by itself*; or that the *content* of the purported reasons may determine these things; or that what matters is *how many* different parties purport each given reason; or that the proper distribution should be determined by *some combination* of these and other factors.

As I mentioned earlier, to build a sophisticated theory of the distribution of responsiveness to purported reasons into a conception of reasonableness would be to remove that conception from common sense thinking. What I propose to do, then, is to treat a party's stance on the distribution of responsiveness to purported reasons as one of the reasons that a party may purport to other relevant parties. Whether or not this stance would be offered *in good faith* is one condition that governs whether a party's purported distribution merits responsiveness from other parties.

Of course, it would be atypical for a view on the distribution of responsiveness to purported reasons to be articulated in the initial exchange of reasons. Normally,

a given party would have only a dim awareness of the distributive problem. Figuring out a party's considered stance on distribution would require a considerable amount of discussion. However, a party may well exhibit a rough tendency to distribute responsiveness according to certain patterns. It may be possible to infer such a tendency by observing behavior and to decide whether the party that exhibits it would endorse those patterns of distribution in good-faith discussion.

One other condition that determines whether a party exhibits reasonableness in distributing responsiveness to purported reasons is that the distribution must allow some degree of concession to other parties. (In this respect, at least, McMahon is right that the moral virtue of reasonableness should be characterized in terms of concession.) It would be unreasonable of me to allow what *I* purport as reasons to always enjoy lexical priority or greater weight over *others'* purported reasons just because the reasons that I purport belong to *me*. And what is true about me is true about any party. If this is the behavior that God exhibits, then God Himself acts unreasonably in the ordinary moral sense.

To recapitulate: the account of reasonableness that I have offered in this chapter is that it is a virtue of common sense that consists of conscientiously distributed, favorable (i.e., concessive) responsiveness toward purported reasons that interacting parties justifiably believe would be offered in good faith, were they to discuss their purported reasons with each other. I also have rejected three ideas from the literature. First, I have denied that treating others reasonably requires treating them in line with justifications that are acceptable from their internal perspectives. Second, I have rejected the view that it is not unreasonable for us to decline to treat others reasonably when they are unwilling to exhibit reasonableness toward us. I also have argued

against the view that empathy is at the core of reasonableness.

Although I have presented some intuitions for why the sort of responsiveness that I have described should count as a virtue, I have not argued from any "comprehensive" ethical perspective that it is a virtue. I'll present several arguments of this sort, but not until Chapter IV.

PART TWO.   REASONABLENESS AND STABILITY

CHAPTER III.   THE RAWLSIAN QUEST FOR STABILITY

Introduction

When, in 1953, W. M. Sibley proposed his insightful account of morally-faceted reasonableness in "The Rational Versus the Reasonable," it went largely undetected. Some forty years later, however, John Rawls inspired many political philosophers to discuss this kind of reasonableness by conspicuously mentioning it in his book, *Political Liberalism*, and in related shorter writings. Much discussion of reasonableness has therefore focused upon Rawls's "political liberal" phase.

The present chapter discusses what I call the "Rawlsian quest for stability." I explain how, during his "political liberal" period, Rawls concerned himself with how a society could stably uphold a conception of justice in a non-oppressive fashion, its citizens not alienated from their rulers or each other.[1] In particular, I explain how Rawls deployed the concept of *reasonableness* in his search for an answer.

---

[1]Commentators disagree as to whether Rawls abandoned an earlier primary focus on his own preferred theory of economic justice. One who affirms this is Brian Barry ("John Rawls and the Search for Stability"). Others such as Anthony Simon Laden ("The House that Jack Built") and Paul Weithman (*Why Political Liberalism?*) argue that Rawls's concern with stability was paramount even in his first book, *A Theory of Justice*. Whatever the correct interpretation of *A Theory of Justice* may be, I follow these later commentators in my interpretation of Rawls's "political liberal" writings.

I'll explain what Rawls meant, or could have meant, by "reasonable," which will involve arguing against a misguided interpretation offered by Patrick Neal.[2] I'll also point out how Rawls's conception of reasonableness differs from my own conception. My aim in so doing will be to criticize Rawls's account of how a society could achieve the desired kind of stability. The present chapter describes a particular vulnerability that would afflict a political order if it tried to exhibit reasonableness as Rawls conceives it. The next chapter will describe how a regime could make itself less vulnerable to destabilizing forces by exhibiting the sort of reasonableness that I argued for in Part One.

Considerations for Interpreting Rawls

Political Liberalism is a large and dizzying book. Again and again, Rawls introduces some tantalizing philosophical idea, characterizing and deploying it, only to later recharacterize and redeploy it with a different emphasis, leaving his readers to doubt whether they've understood his ideas correctly.

Interpreters have struggled mightily to achieve a coherent, unified reading of the book as a whole.[3] They also have struggled to understand how *Political Liberalism* is related to Rawls's other writings – *A Theory of Justice*; the many essays published after that book; *The Law of Peoples*; and *Justice as Fairness: A Restatement* – and how the vari-

---

[2]Patrick Neal, "The Liberal State and the Religious Citizen." Neal, in turn, is indebted to Stephen Mulhall and Adam Swift ("Rawls and Communitarianism"), though, for reasons that I will presently explain, I am reluctant to attribute Neal's interpretation of Rawls to those authors.

[3]The most comprehensive and sophisticated interpretation of *Political Liberalism* is given in Paul Weithman's *Why Political Liberalism?* This book, in size and scope, is nearly as monumental as *Political Liberalism* itself.

ous editions of these texts are related to one another. Rawls's penchant for reworking his own ideas in print has stimulated much philosophizing, but it hasn't helped readers to form a clear picture of his considered views. For this reason, Gerald F. Gaus and Chad Van Schoelandt have recently pleaded for readers "to understand *Political Liberalism* as a rich mine . . . to be developed and exploited, not a minefield of quotations, deployed by scholastic interpreters to explode any proposed development or engagement."[4]

To this, I would add the *caveat* that in subsequent work, Rawls himself places restrictions upon how his earliest books, *A Theory of Justice* and *Political Liberalism*, may be interpreted. Most notably, he does so in his last book, *Justice as Fairness: A Restatement.* It may be all right for *Political Liberalism* to be "mined" for interesting views, but, as far as textual interpretation goes, these views should at least not stray far from what Rawls identifies in *Justice as Fairness* as properly attributable to him.[5]

---

[4]Gerald F. Gaus and Chad Van Schoelandt, "Consensus on What? Convergence for What? Four Models of Political Liberalism," p. 172.

The authors go on to say:

> We . . . have great sympathy with those deeply frustrated philosophers who, seeking to engage with political liberalism, are met with the Rawls expert who points out that their claim about political liberalism is not consistent with the *n*th feature of the reasonable stated in footnote *x* in the second introduction to [*Political Liberalism*]. Careful and thorough readings are important, but should not be weaponized to prevent even the possibility of ongoing development. (P. 172, n. 35)

I ask my own readers accord me this sympathy. I believe that the interpretation of Rawls's texts that I shall present in this chapter is basically correct, and that, therefore, my criticisms of Rawls are fair. However, I concede that my interpretation is far from complete – for example, I say nothing about Rawls's idea of "public reason," which would be astounding even to such a lenient Rawls interpreter as Gaus. ("Public reason" is the Rawlsian idea that Gaus himself has latched onto in his own philosophical program, which he presents in such works as *Justificatory Liberalism* and *The Order of Public Reason*.)

[5]One interpreter who emphasizes this point is William A. Edmundson, in *John Rawls: Reticient Socialist*.

I noted in the first chapter of this dissertation that at the beginning of *A Theory of Justice*, Rawls claims that "justice is the first virtue of political institutions. . . . Laws and institutions no matter how efficient and well-arranged must be reformed or abolished if unjust."[6] But Rawls recognizes that justice is not the only virtue of political institutions. Another virtue is stability. He writes that "the scheme of social cooperation . . . must be more or less regularly complied with and its basic rules willingly acted upon; and when infractions occur, stabilizing forces should exist that prevent further violations and tend to restore the arrangement."[7] Rawls also mentions other virtues of political institutions: coordination and efficiency, for example. But justice and stability are the two virtues most prominent in his work from *A Theory of Justice* until his death.

According to Rawls, justice cannot do without stability. Though he insists that justice is the "first" institutional virtue, he says that considerations of stability also matter with respect to which theory of justice ought to be adopted in a society. As he puts it:

> We cannot, in general, assess a conception of justice by its distributive role alone. . . . We must take into account its wider connections; for even though justice has a certain priority, being the most important virtue of institutions, other things equal, one conception of justice is preferable to another when its broader consequences are more desirable.[8]

So, while *Theory* presents a variety of arguments for Rawls's preferred account of justice – "justice as fairness" (JAF) – it also argues that a regime that operated according to the principles of JAF could be stable. Even if, according to Rawls, justice is the

---

[6] John Rawls, *A Theory of Justice*, p. 3.
[7] *Ibid.*, p. 6.
[8] *Ibid.*, p. 6.

"first" institutional virtue, stability also is indispensable. In effect, stability operates as a side constraint regulating which standard of justice may be implemented.

Stability moves to center-stage in *Political Liberalism*. There, Rawls again aims to show that JAF has a realistic chance of being stably embraced by modern, pluralistic, democratic societies.

In what follows, I'll begin by explaining the problem of political stability that Rawls intends to solve. I'll then present Rawls's solution to that problem. As I do this, I'll mention a number of different directions that Rawls might have taken. In several instances, I'll suggest that a Rawlsian political theorist should go in the least demanding direction. That is, I'll present what I believe to be the overall strategy that gives Rawls's project the greatest chance of success. I'll then argue that even if the Rawlsian adopts the least demanding available strategy, the Rawlsian solution to the stability problem is unrealistic.

Here's a preview of my argument. The Rawlsian strategy for achieving political stability is unlikely to succeed because it's unlikely that enough citizens will be able to accept the Rawlsian conception of justice, JAF, in the *manner* specified by Rawls. I grant that a large proportion of citizens in a modern, democratic society might become disposed to provisionally accept JAF in order to guard their society against instability or oppression. However, inevitably, many of them would also be disposed to resist making the sort of commitment to JAF that a Rawlsian recipe for stability would require them to make. Or, to use Rawlsian jargon that I'll soon explain, these citizens would be unable to join an "overlapping consensus" on JAF. But, in this re-spect, JAF is far from unique: other conceptions of justice also are unlikely to serve as the object of the relevant sort of consensus. It seems that an overlapping consen-

sus upon any other similarly precise conception of justice would be undermined by factors like those that would undermine an overlapping consensus upon JAF.

A Statement by Rawls of the Stability Problem

Here's a statement of the problem that Rawls gives early on in *Political Liberalism*. He asks: "How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?"[9] This statement of the problem contains several technical terms, each of which must be explained. ("Reasonable" is, of course, the term that especially interests me, and my discussion of Rawls's use of that term will occupy the next few sections that come after this one.)

By "political conception of a . . . regime," Rawls means the political principles by which a regime governs. (Let's set aside, for now, whether such a regime must be a *constitutional* one.) He also means that these are principles whose truth is not tied exclusively to that of a specific comprehensive doctrine.

A "comprehensive doctrine," for Rawls, is a doctrine or system of doctrines that has the following features. Firstly, it deals with "the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner."[10] Secondly, it organizes values by ranking them and/or assigning them weight; this is what distinguishes one comprehensive doctrine from another. And thirdly, while a comprehensive doctrine needn't be static, it doesn't suddenly and inexplicably change, either. Normally, a comprehensive doctrine "belongs to, or draws upon a

---

[9]John Rawls, *Political Liberalism*, p. xviii.
[10]*Ibid.*, p. 59

tradition of thought" which is stable but may "evolve slowly in light of what, from its point of view, it sees as good and sufficient reasons."[11] Examples of comprehensive doctrines include secular philosophical doctrines such as utilitarianism and Kantianism, as well as the central doctrines of the world's major religions, such as Judaism, Christianity, and Islam.

But what is it for a comprehensive doctrine to be "reasonable"?

Rawls on Reasonableness: Preliminary Remarks

Rawls doesn't give a unified analysis of reasonableness as I have done. However, it's clear that by "reasonable" he means more than "rational" in the instrumental sense; he has in mind a notion of morally appropriate relations with others.[12]

One crucial point is that, for Rawls, "a reasonable doctrine must recognize the burdens of judgment."[13] (Recall from Chapter II of the present work that the burdens of judgment are the conditions that lead people who are honest, well-meaning, and rational to disagree with each other about morality.)

Rawls thinks that for a comprehensive doctrine to properly recognize the burdens of judgment, it must give appropriate weight to the value of liberty of conscience.[14] If a comprehensive doctrine fails to do this, it must be counted unreasonable. To illustrate this, Rawls describes a church that tries to impose a certain political conception upon a society because that conception is the one that best fulfills the church's teach-

---

[11]*Ibid.*, p. 59.

[12]Regarding this point, Rawls cites W. M. Sibley; see *Political Liberalism*, pp. 48–49, n. 1. Rawls's own discussion of the rationality/reasonableness distinction is at *Political Liberalism*, pp. 50–54.

[13]John Rawls, *Justice as Fairness*, p. 191; see also his *Political Liberalism*, pp. 54–58.

[14]John Rawls, *Justice as Fairness*, p. 191.

ings, even though it would be a violation of some citizens' liberty of conscience to force them to adhere to that political conception. Rawls says that this church's comprehensive doctrine is unreasonable. This is because it "proposes to use the public's political power – a power in which all citizens have an equal share – forcibly to impose a view affecting constitutional essentials about which many citizens as reasonable persons ... are bound to differ uncompromisingly."[15]

So far, apart from its constitutionalism, Rawls's conception of reasonableness accords with my own. As a virtue of comprehensive outlooks, reasonableness cautions against recommending that a particular perspective be enforced against those who disagree with it; it thus urges responsiveness to differing points of view. Moreover, Rawls's appeal to the burdens of judgment recalls the thinking of King James II.

A clearer difference between Rawls's account of reasonableness and my own emerges when Rawls speaks of reasonableness as a *personal* virtue. Reasonable persons, according to Rawls, would object to using "political power, should they possess it, to repress comprehensive views that are not unreasonable, though different from their own."[16] Instead, "when others are moved to do likewise," such persons abide by fair terms of cooperation "even when this is contrary to their own interests."[17]

The account suggested by these passages bears *some* similarity to my own. A reasonable person does not exclusively pursue her own interests; nor is she inclined to coerce adherents of opposing views. However, a certain emphasis in these passages conflicts with what I argued for in Chapter II, at pp. 96–110. Rawls claims that com-

---

[15]*Ibid.*, p. 183.
[16]John Rawls, *Political Liberalism*, p. 60.
[17]John Rawls, *Justice as Fairness*, p. 191.

prehensive views may not reasonably be repressed – *as long as those views themselves "are not unreasonable."* He also claims that reasonable persons cooperate fairly, even to their own detriment – *"when others are moved to do likewise."* That is, Rawls endorses a reciprocity proviso with respect to reasonableness.

Although, in Chapter II, I argued against this proviso, I am going to grant it to Rawls – at least, to begin with. Eventually, though, my main argument against Rawls's blueprint for achieving political stability will single out the proviso as what undermines that blueprint. Therefore, in the next chapter, when I offer my own suggestions for achieving stability, I'll enlarge the group of those whose purported reasons it is appropriate to evince responsiveness to so as to include non-reciprocators.

In the next section of the present chapter, I'll digress from my own explication of Rawls in order to rule out an interpretation of his account of reasonableness that I consider to be mistaken, or, at least, irrelevant. It's important to consider this interpretation because, while it's starkly opposed to the one that I'll develop throughout the chapter, it highlights certain other aspects of Rawlsian reasonableness. The exercise also will illustrate the complexity of interpreting Rawls, and of interpreting interpreters of Rawls.

Neal's Interpretation of Rawls: Reasonableness as a Virtue Due to Its Role in Rawlsian Political Liberalism

The strategy of this dissertation is to argue that certain political orders have merit at least partly because they manifest a certain good trait (reasonableness). But what if the explanatory order were reversed? What if, instead, the trait of being reasonable were counted as meritorious by virtue of fulfilling a crucial role in an antecedently

meritorious political order?

It may have been inevitable, given the apparent systematicity of Rawls's thinking, together with his propensity for inventing and relying upon his own jargon, that someone should have come to believe that such terms as "reasonable" and "unreasonable" in later Rawlsian writings are to be understood as referring only to components that are idiosyncratic to Rawls's theory of political liberalism rather than to any virtue recognized by common sense. One author who advances such an interpretation is Patrick Neal. He writes:

> On my understanding of ["unreasonable person" in the pertinent texts by Rawls], all it means is "one who refuses to affirm the principles of political liberalism as terms of political order," or, more specifically, "one who rejects Rawls's understanding of the principle of political reciprocity."[18]

Neal's characterization of Rawlsian reasonableness may seem problematically circular.[19] He describes reasonableness in terms of accepting Rawls's "principle of political reciprocity," a notion that Rawls himself characterizes in terms of reasonableness. Rawls formulates his "criterion of reciprocity" as follows: "Our exercise of political power is proper only when we sincerely believe that the reasons we offer for our political action may *reasonably* be accepted by other citizens as a justification of those actions."[20] Perhaps, however, the term "reasonably" in this passage refers to an epistemic virtue rather than a moral one, and so Neal's interpretation can avoid circularity. Or perhaps circularity could somehow be embraced. The crucial issue is whether, on Neal's interpretation of Rawlsian reasonableness, Rawls would be

---

[18]Patrick Neal, "The Liberal State and the Religious Citizen," p. 137.

[19]Neal himself says that the notion is "essentially circular" (*ibid.*, p. 137), though he does not regard this as problematic.

[20]John Rawls, *Political Liberalism*, p. xliv; italics added.

committed to endorsing a question-begging argument.

According to Neal's reading of Rawls, "unreasonable" is not pejorative *by definition*.[21] If this is true, then the term couldn't be taken to refer to any bad characteristic unless it were considered bad to refrain from accepting Rawlsian political liberalism, understood in terms of the criterion of reciprocity.[22] Similarly, if reasonableness is a virtue, it must be political liberalism that bestows merit upon it, and not vice versa.

Neal attributes his interpretation of Rawls to Stephen Mulhall and Adam Swift. (Whether Mulhall and Swift would wish to be committed to it is another matter. As I'll indicate shortly, they also uncover one of its problems.) Mulhall and Swift write: "On Rawls's understanding . . . no one can be reasonable unless he or she accepts the conception of the person and of society that is the irreducible core of political liberalism."[23] They quote the following passage of Rawls's: "Persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so."[24]

The reasonableness of persons, on this account, is (roughly) the disposition to willingly cooperate on fair terms with one's equals, as long as they are similarly disposed to cooperate. According to Mulhall and Swift, a political system determined by parties who share this disposition just is what Rawlsian political liberalism

---

[21]Patrick Neal, "The Liberal State and the Religious Citizen," p. 137.

[22]Arguably, Rawls wouldn't go as far as to say that it would be *bad* not to accept his liberal system. While he presents it as a defensible political order, he wouldn't insist that it's the only good order, or even the best one. On this point, I follow Anthony Simon Laden's interpretation of Rawls in "The House that Jack Built."

[23]Stephen Mulhall and Adam Swift, "Rawls and Communitarianism," p. 482.

[24]John Rawls, *Political Liberalism*, p. 49; quoted in Stephen Mulhall and Adam Swift, "Rawls and Communitarianism," p. 482.

amounts to. Mulhall and Swift thus appear to define political liberalism – or, at least, its "irreducible core" – in terms of reasonableness. Neal, however, defines reasonableness in terms of political liberalism. Confusingly, however, there are passages – one of which I'll discuss momentarily – in which Mulhall and Swift appear to interpret Rawls as Neal does, defining reasonableness in terms of political liberalism rather than vice versa. It's therefore understandable why Neal should have come to attribute his interpretation to Mulhall and Swift.

There are several problems with relying upon the conception of reasonableness that Neal attributes to Rawls. As I'll argue later in this chapter, Rawlsian political liberalism isn't a *viable* system – one of its pillars, the idea of an "overlapping consensus," is too shaky. Consequently, the overall Rawlsian system is an infirm support for the idea that reasonableness is a virtue.

The more pressing problem, however, is that this conception of reasonableness is too ideological to accord with common sense. If reasonableness really were of merit just because of its role in the Rawlsian liberal system, it would be inexplicable why many people – including, perhaps, King James II – treated it as a virtue long before the Rawlsian system was articulated; also, why that system's detractors would ever have regarded reasonableness as a virtue. A more plausible explanation is that the appeal of reasonableness is independent of Rawlsian political liberalism.

Neal could reply that Rawls doesn't intend his conception of reasonableness to fall under the ordinary concept. He could insist that Rawls doesn't rely upon any merit of reasonableness that is *not derived from* political liberalism in order to *support* political liberalism. In other words: the concept of reasonableness does no question-begging argumentative work for Rawls. Indeed, Neal says: "Knowing whether a

130

person is 'reasonable' in Rawls's sense cannot tell us whether political liberalism is worth affirming or rejecting, because it is already defined in terms of affirming it."[25]

Neal is forced to accept that on his interpretation, the term "reasonable" is "a particularly unfortunate one for Rawls to use."[26] But Rawls, so interpreted, would be vulnerable to a more serious problem than this. For as Mulhall and Smith point out, Rawls does seem to appeal to the concept of reasonableness to defend his liberal system.

In a passage in which Mulhall and Swift seem to articulate Neal's interpretation, they write that Rawls defines "the reasonable" as "including a commitment to a politically liberal vision of society." They then object that while Rawls "defines anyone who queries or rejects that vision as 'unreasonable' . . . he offers no independent reason for accepting that morally driven and question-begging definition."[27]

One famous passage in which Rawls seems to reject illiberal doctrines and their adherents as unreasonable is located in "The Idea of Public Reason Revisited":

> Of course, fundamentalist religious doctrines and autocratic and dictatorial rulers will reject [certain ideas of political liberalism]. They will say that [such an idea] leads to a culture contrary to their religion, or denies the values that only autocratic or dictatorial rule can secure. They assert that the religiously true, or the philosophically true, overrides the politically reasonable. *We simply say that such a doctrine is politically unreasonable.* Within political liberalism nothing more need be said.[28]

---

[25]Patrick Neal, "The Liberal State and the Religious Citizen," pp. 137–138.

[26]*Ibid.*, p. 137.

[27]Stephen Mulhall and Adam Swift, "Rawls and Communitarianism," p. 483 (the quotation mark formatting differs from the original). However, Mulhall and Swift do not support this point by citing any passages from Rawls, such as the one from "The Idea of Public Reason Revisited" that I am about to cite.

[28]John Rawls, "The Idea of Public Reason Revisited," p. 613; my italics.

If reasonableness is a virtue only because of its role in the liberal system, then Rawls begs the question against "fundamentalist religious doctrines" and "dictatorial rulers" by dismissing them as unreasonable.

In any case, if we go along with the suggestion that reasonableness in the Rawlsian sense has nothing to do with the ordinary concept, we need not trouble with it further in this work. It would be odd if the figure who inspired many philosophers to discuss reasonableness should turn out not to have been talking about the familiar concept of reasonableness at all. (His crediting of Sibley for *his* discussion of reasonableness, which preceded *Political Liberalism* by several decades, also would be odd.) But my primary aim is not to decide whether this is the correct interpretation of Rawls. It's to assess any workable conception of the ordinary concept reasonableness that may be suggested by Rawls's writings. Therefore, I am proceeding on the assumption that Rawls does have something interesting to say about the *ordinary* concept of reasonableness as a moral virtue.

Rawlsian Reasonablenes as Willing Cooperativeness

My discussion of Neal, Mulhall, and Swift returns again and again to a particular feature of Rawls's conception of the reasonable. This is the link between reasonableness and cooperativeness. I've quoted Rawls as describing reasonableness as a person's disposition to "propose principles and standards as fair terms of cooperation and to abide by them willingly," provided that others reciprocate in doing so.[29] A little later, he says that reasonable persons

---

[29]John Rawls, *Political Liberalism*, p. 49.

are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others.[30]

This last passage makes it especially clear that for Rawls, cooperativeness is the reasonable person's primary motive. It's not impossible for utilitarians (for instance) to be reasonable – though utilitarians are people who *assent to* the overriding importance of promoting "the general good as such" – insofar as these assenters are primarily *moved* by the aspiration to cooperate with others on terms acceptable to all. (The aspirational formulation of Rawls's passage allows that if, in fact, no terms would be acceptable to *all*, a person may still count as reasonable in virtue of being moved to approximate that state of affairs.) Assigning cooperativeness a central part in Rawls's account of the reasonable allows us to understand why Rawls would think that reasonable persons refrain from repressing their reasonable fellow citizens. When we coerce those who exhibit reasonableness toward us, we commit an impropriety: by coercing them on the basis of convictions that they don't (or can't) share, we fail to exhibit sensitivity to their burdens of judgment. This has the effect of disinclining them to *willingly* cooperate with us.

Giving pride of place to cooperativeness also tells us why Rawls adds the reciprocity proviso to his idea of the reasonable. A Rawlsian might say that there is no point in binding *ourselves* with norms of cooperativeness if *others* are unwilling to cooperate with us. In such cases, the good of cooperation already is beyond reach.

For reasons already discussed in Chapter II, I reject the reciprocity proviso for

---

[30] *Ibid.*, p. 50.

reasonableness. This rejection is based on the idea that it makes sense to regard as virtuous the responsive treatment of those who would not exhibit responsiveness toward the agent. But, as I have said, I am going to grant Rawls the reciprocity proviso for the sake of argument.

Constitutionalism and Reasonableness

Rawls says that reasonable cooperation must be *codified*: "People are unreasonable . . . when they plan to engage in cooperative schemes but are unwilling to honor, *or even to propose*, except as a necessary public pretense, any general principles or standards for specifying fair terms of cooperation."[31] Rawls deems those who settle for uncodified cooperation to be unreasonable because such people will be "ready to violate" cooperative expectations "as suits their interests when circumstances allow."[32]

If this worry were well-founded, it would justify Rawls's incorporation of constitutionalism, or, at least, of law-making, into the very notion of reasonableness. However, one might doubt whether this is advisable. One might imagine a small fellowship of friends who willingly cooperate with each other, settling each difference as it arises without appealing to strict general principles. Beginning from this starting-point, one might then imagine a political society – albeit a small one – that gets by in more or less the same fashion. Since this is clearly possible, and even may have existed in non-literate cultures, one might conclude that constitutionalism is not an essential component of reasonableness as such, or even of governmental reasonableness.

---

[31] *Ibid.*, p. 50; italics added.
[32] *Ibid.*, p. 50.

On the other hand, if a society is very large, governance may well be able to succeed only by codifying at least some principles into a constitution.[33]

My argument against Rawls, however, will not depend on whether the disposition to propose and/or abide by *constitutions* is one that reasonable people must exhibit, and so I will simply grant this point to Rawls for discussion's sake. I take it that, for Rawls, constitutionalism is not a feature of the very *concept* of reasonableness, but it is something that reasonable people will embrace.

Rawls's Stability Problem, Restated

I'm now in a position to paraphrase Rawls's earlier statement the main problem that concerns him in his "political liberal" phase. Rawls is concerned with figuring out how adherents of deeply opposed though reasonable (i.e., willingly cooperative) comprehensive doctrines, or worldviews, might inhabit the same society and, in this spirit of willing cooperation, stably uphold a constitutional regime, i.e., a set of basic rules for the society.[34]

Rawls takes this to be a serious problem because of various apparently perma-

---

[33]Not every notable political theorist thinks that constitutions are indispensable, even for large societies. One example is Jeremy Waldron, whose case is succinctly put in "Constitutionalism – A Skeptical View."

[34]It might be asked whether what matters to Rawls is that the *comprehensive doctrines* be reasonable or that their *adherents* be reasonable. My view is that what generates the *problem* for Rawls is the reasonableness of the adherents – it's persons, not doctrines, who are ill-treated when others refuse to reciprocate in a spirit of willing cooperativeness. However, the Rawlsian *solution* depends on a appeal to the reasonableness of the comprehensive doctrines. These are what supply the adherents with stable reasons for cooperating. So, for Rawls, many facts about the reasonableness of comprehensive doctrines will be just as important as facts about the reasonableness of the persons who adhere to them. In the rest of the chapter, I'll use the word "party" so as to be ambiguous between persons and doctrines.

nent features the modern world.[35] Each doctrine which is truly comprehensive will make claims about what sort of political order ought to be instituted; claims about which political orders are just will be *tested against*, and, in some cases, *derived from* comprehensive doctrines. However, it seems inevitable that modern democratic societies will exhibit a plurality of conflicting yet reasonable comprehensive doctrines. What's more, it seems that the only way to maintain a shared understanding on any single comprehensive doctrine is through the oppressive use of state power. But for a democratic regime to endure and be stable, it must enjoy the support of a large majority of its citizens.

How, then, could adherents of different comprehensive doctrines live together under a single political order while retaining their reasonableness? That is, how could they live together without being led, by their own doctrines, to oppress adherents of rival comprehensive doctrines?

The Rawlsian Solution: An "Overlapping Consensus"

One way that rival parties could live together non-oppressively would be for them to decide, for *selfish* reasons, to do so. Each party might calculate that the operational costs of oppressing the other parties would outweigh the benefits of having its own comprehensive doctrine promoted at the expense of its rivals.

However, Rawls would reject this sort of arrangement. This is because its parties are not committed to abiding by fair terms of cooperation. Circumstances might change: for one or more parties, it might cease to be disadvantageous to oppress the

---

[35] *Ibid.*, pp. 36–38.

others. Without a widespread commitment to abide by fair terms of cooperation, the arrangement is unstable.

According to Rawls, the way to solve the stability problem is to figure out a conception of justice that "the plurality of reasonable doctrines … might endorse."[36] Rawls then advances a conception of justice, JAF, and argues that it could be the object of an *overlapping consensus* among the various reasonable parties. An overlapping consensus is a consensus *of the right sort* among these parties regarding a conception of justice.

I say "a consensus *of the right sort*" to highlight that Rawls doesn't think that any sort of consensus on a conception of justice will do. Rawls distinguishes between an overlapping consensus and a mere modus vivendi agreement. There are several differences between these two kinds of agreement. But the crucial difference is this. In an overlapping consensus,

> those who affirm the various views supporting the political conception will not withdraw their support of it should the relative strength of their view in society increase and eventually become dominant. … Each view supports the political view for its own sake, or on its own merits.[37]

I take it that this quotation describes a necessary condition for an agreement's being an overlapping consensus as opposed to a mere modus vivendi agreement. According to Rawls, in a mere modus vivendi agreement, the convergence on a conception of justice depends on "happenstance and a balance of relative forces."[38]

I should clarify that where Rawls mentions a comprehensive doctrine's relative

---

[36] *Ibid.*, p. xviii.
[37] *Ibid.*, p. 148.
[38] *Ibid.*, p. 148.

"force," he isn't talking about its relative *rational* force. He isn't saying that for an agreement to count as an overlapping consensus, the parties would have to continue to agree upon the same political conception even if some party's comprehensive doctrine were to become clearly irrational to uphold.

Instead, Rawls is talking about the relative *coercive* strength of the *adherents* of comprehensive doctrines. This is suggested by an historical example that he gives of a modus vivendi agreement. The example concerns the religious toleration between European Catholics and Protestants following the Wars of Religion:

> Both faiths held that it was the duty of the ruler to uphold the true religion *and to repress the spread of heresy and false doctrine*. In such a case the acceptance of the principle of toleration would indeed be a mere modus vivendi, because if either faith becomes dominant, the principle of toleration would no longer be followed.[39]

Rawls also makes his point by suggesting that no party to an overlapping consensus endorses the conception of justice on the basis of "political compromise."[40] That is, no party accepts the conception of justice solely as the outcome of a process of bargaining that depends on the different parties' relative coercive strengths and weaknesses.

Rawls's solution to the stability problem can therefore be stated as follows. Reasonable citizens in modern democratic societies could live together and stably affirm the same conception of justice, even while adhering to conflicting reasonable comprehensive doctrines, if they were to take part in an overlapping consensus on a conception of justice; and JAF realistically could be the object of such a consensus. The

---

[39] *Ibid.*, p. 148; my italics.
[40] *Ibid.*, p. 171.

consensus would not be a mere modus vivendi agreement: it would not depend on political compromise or on "happenstance and a balance of relative forces." Rather, each party to the agreement would endorse the conception of justice because of its congruence with *her own* reasonable comprehensive doctrine. Parties to the agreement would not withdraw their support from the conception of justice if the "balance of relative forces" were to change. Their commitment to the conception would be grounded on more than a desire to enter into a compromise with other parties just because such a compromise would be advantageous given the balance of power.

At this point, it might be asked why Rawls focuses on reasonableness. Why not require a consensus between reasonable and *unreasonable* parties? Rawls is well aware that "a society may also contain unreasonable and irrational, and even mad, comprehensive doctrines." However, he thinks that stability may be gained without the approval of these doctrines' adherents. "In their case," says Rawls, "the problem is to contain them so that they do not undermine the unity and justice of society."[41]

A Rawlsian might envision the following situation. A group of citizens – the reasonable ones – is unified by a stable, moral commitment to upholding a conception of justice even if this should go against the interests of some of its members. Over time, then, the reasonable group is able to acquire and maintain power, because its unity is not defeated by changes of circumstance. Unreasonable parties, however, will be less likely to form coalitions that are comparably enduring. This is because they lack the reasonable parties' moral commitment to cooperation. Is this a very realistic story? I suggest that Rawlsians are committed to such an account, or to something similar. But I won't dispute its plausibility.

---

[41] *Ibid.*, pp. xvi–xvii.

These are the main components of Rawls's solution. However, they need to be clarified. In particular, it might be asked *how much* agreement between reasonable citizens the solution demands. There are really two different issues here.

First, does Rawls require that the agreement among reasonable citizens on the conception of justice be *unanimous*? Or does he allow his solution to the stability problem to come into effect even if a few reasonable citizens disagree with his conception of justice?

At times, Rawls's writing does suggest that an overlapping consensus requires unanimity. For example, he says that an overlapping consensus "consists of *all* the reasonable opposing religious, philosophical, and moral doctrines likely to persist over generations and to gain a sizable body of adherents in a more or less just constitutional regime."[42] The inclusion of the word "all" is typical of passages in which Rawls defines the idea of an overlapping consensus.[43] Perhaps Rawls stresses unanimity because it also figures in his discussion of *legitimacy*.[44] Rawls wishes to show how a political society may be just, stable, and also legitimate. Now, perhaps a legitimacy of the sort that requires unanimity is another virtue of political institutions. However, it seems that whether a society is legitimate in this way is different from the question of whether the society's conception of justice is stable. This is because it seems that if a conception of justice enjoys widespread enough agreement among

---

[42]*Ibid.*, p. 15; my italics.

[43]In some writings, however, Rawls conspicuously stops short of making the unanimity requirement explicit. See, for example, his article "The Idea of an Overlapping Consensus," which predates *Political Liberalism*. On p. 430, of that article, Rawls says that an overlapping consensus includes "the opposing religious, philosophical, and moral doctrines likely to thrive over generations in the society effectively regulated by [the agreed upon] conception of justice."

[44]Cf. John Rawls, *Political Liberalism*, pp. 137 and 217.

a society's reasonable parties, stability will not be undermined if there are just a few reasonable dissenters.

On the other hand, the requirement of unanimity has a serious drawback: it's virtually unsatisfiable. A consensus on a scheme of justice which enjoys the committed support of all reasonable parties is much less likely to occur than a consensus which enjoys the committed support of a great majority of reasonable parties. If stability may be achieved by the latter sort of consensus, then the greater likelihood of that consensus is a good reason for a Rawlsian not to require unanimity to be built into the idea of an overlapping consensus. Henceforth, then, I'll assume that Rawlsians should proceed in this direction when they address the stability problem.

I said that there are two issues with respect to how much agreement an overlapping consensus requires. The second issue is this: *how committed* must a reasonable party be to a conception of justice for that party to be included in an overlapping consensus? There are different sorts of commitment, and, as Rawls acknowledges, some are stronger than others.

Rawls expects that some adherents of reasonable comprehensive doctrines in the overlapping consensus will *strongly* approve of the conception of justice. For example, let's consider Rawls's preferred conception, JAF. Adherents of some reasonable comprehensive doctrines – for example, adherents of Rawls's own broadly Kantian moral views – might take JAF to be *derivable* from their own moral principles. These citizens would strongly approve the adoption of JAF as the political conception of justice.

On the other hand, adherents of other reasonable comprehensive doctrines might not approve so strongly of JAF. For example, a classical utilitarian might not have

141

any way of deriving the entirety of JAF from her own moral principles. This is because it would be difficult to establish precisely which conception of justice would maximize utility. Still, a classical utilitarian might regard JAF as a conception worth adopting in her own society. However, she wouldn't accept JAF as strongly as the Kantian would; she would regard JAF as a (probably) false, but sufficiently close approximation of the correct account of justice.[45]

This brings us to another fork that Rawlsians must contemplate. Let's distinguish between a party's *preferred* account of justice and those accounts that are *workable approximations* of the preferred account. The preferred conception of justice is the one that a reasonable person or comprehensive doctrine would uphold if no other reasonable conceptions were in competition with it. (We might suppose, counterfactually, that there is just one reasonable comprehensive doctrine in the society, or else that all other reasonable parties have voluntarily forfeited their say as to which conception of justice should be chosen.) Should a Rawlsian insist that in an overlapping consensus, the parties must regard the conception of justice as their preferred one? Again, it seems clear that a Rawlsian should not say this. Such a consensus would be very difficult to achieve. However, it seems likelier that a stable consensus could be formed around a conception of justice widely regarded as a workable approximation of the correct conception. Recall that Rawls himself thinks that when we consider which account of justice to adopt, we should assess it according to its broader consequences, including the extent to which it promotes harmony with one's fellow citizens.

Let me summarize what I've accomplished so far. I've sketched the stability problem that Rawls intends to solve, and I've described how Rawls tries to solve it. I've

---

[45] *Ibid.*, pp. 169ff.

also recommended a way of fleshing out the Rawlsian solution so that its implementation is realistic. I'm now going to argue that even if the solution is fleshed out in this way, not enough reasonable parties would be able to join an overlapping consensus on JAF.

The Unlikelihood of an Overlapping Consensus

In this section, I'll focus on what Rawls says about classical utilitarianism. In *Political Liberalism*, Rawls suggests that classical utilitarians could belong to an overlapping consensus on JAF. I'll dispute this.

But even if I'm right, this by itself might not be very troubling to a Rawlsian who dispenses with the unanimity requirement, because classical utilitarians make up a small minority in most modern democratic societies. However, I also wish to draw attention to a different view (or family of views), "general welfarism," which would be excluded from an overlapping consensus on JAF for the same reason that classical utilitarianism would be excluded. When the number of general welfarists is added to that of classical utilitarians, the total of excluded people is greatly expanded. And in the next section, I'll suggest that many religious adherents must also be excluded, for similar reasons.

I'll now offer a very rough distinction between classical utilitarianism and the intuitionist "general welfarist" view.[46] According to classical utilitarians, all moral evaluation ultimately is grounded on facts about the net production of happiness. So, for example, acts and political institutions may be evaluated as follows:

---

[46]There are some similarities between this view and that of David Ross in *The Right and the Good*.

- An act is (morally) right just in case it would produce the greatest available balance of happiness, where no one's happiness counts for more than anyone else's happiness.

- A political institution ought (morally) to be supported just in case it would produce the greatest available balance of happiness, where no one's happiness counts for more than anyone else's happiness.

Whether or not these formulations would be acceptable to all classical utilitarians is not my concern here. (I presume, however, that all classical utilitarians would accept doctrines that are, in important respects, similar to the doctrines I've just presented.) I include these formulations because they're easy to contrast with the doctrines endorsed by general welfarists.

Like classical utilitarians, general welfarists give a sort of priority to the net balance of happiness. In ordinary circumstances that require moral deliberation, they recommend maximizing happiness and minimizing unhappiness; and they stress that no one's happiness should count for more than anyone else's. For example, in deciding which economic regulations to implement in a society, general welfarists recommend implementing those regulations that would bring about the greatest net balance of happiness, rather than, say, regulations that wouldn't do this but that instead would ensure the greatest possible benefit for the worst off.

General welfarists differ from classical utilitarians, however, in allowing that other considerations besides happiness could influence moral evaluation. Typically, they only allow these considerations to count when the promotion of happiness appears intuitively wrong. In such circumstances, they allow room in their moral

144

thinking for deontological restrictions and prerogatives. They might do this sophisticatedly and systematically; or, if they aren't professional philosophers, they might incorporate restrictions and prerogatives in a more *ad hoc* fashion. For example, a general welfarist might hold the following:

- An act is (morally) right just in case it would produce the greatest balance of happiness (where no one's happiness counts for more than anyone else's happiness) among all the available acts that don't involve torture, murder, enslavement, theft, neglect of one's own children . . .

The general welfarist need never hold this principle as complete; she may allow that other deontological restrictions and prerogatives will eventually be added to it. However, at any given time, she treats the principle (in its most developed form) as a working hypothesis and recommends adhering to the restrictions and prerogatives that have been incorporated into it.

Similar examples could be given of general welfarist reasoning about political institutions, rules, motives, and so on.

A general welfarist's position, then, does not structurally resemble the position of the classical utilitarian. However, the two positions might well give the same moral evaluation to a large proportion of the acts, rules, and motives in the political arena. The two positions might differ only with respect to evaluations pertaining to unusual cases.

I should say something to make it plausible that there are many general welfarists, so I'll give an account of how an ordinary person might become a general welfarist. She begins with a principle that, by itself, could be construed as utilitarian:

a principle such as "Maximize happiness" or "Maximize the general welfare." At first, this person gives priority to such a principle in her deliberations about moral matters. But her commitment to this principle needn't be very theoretically informed or systematic; she needn't be a rigorous philosopher. Thus, when she runs up against highly unusual situations, such as those in which the utilitarian principle seems to recommend torture, she may be happy to simply add an exception clause to her principle; she isn't especially troubled that the addition is *ad hoc* or that the initial principle should therefore be called into question. She continues to allow herself to be guided by the utilitarian principle, even when she deliberates about controversial matters such as distributive justice – even when she's aware that rival, anti-utilitarian principles are on the table. In these situations she doesn't experience the feelings of grave doubt or warning or hesitation that she might experience while seriously entertaining an idea of the moral permissibility of torture. She need not be unreflective about distributive justice; however, to her, the utilitarian position on such matters seems correct. Perhaps she is impressed with the simplicity of the utilitarian interpretation of impartiality with respect to the adjudication of complex distributive disputes. Or perhaps, whenever her interpretation of commonsense morality doesn't render a clear verdict, her policy is simply to promote happiness; and for her, the morality of distributive disputes tends to be unclear. In any case, she supports utilitarian distributive principles.

It's my contention that modern democracies contain many reasonable citizens who are general welfarists of the sort I've just described. They might refrain from putting into practice *all* the implications of utilitarianism; but on most matters of political controversy, they side with the utilitarians. In situations in which utilitarians

are divided amongst themselves on matters of policy, general welfarists might also be divided. But they still approach the issues from a utilitarian perspective; their general *orientation* is utilitarian. In any case, from now on, what I say about classical utilitarians should be taken to apply to general welfarists as well.

I am now going to suggest that classical utilitarians (and general welfarists) would not be able to join an overlapping consensus on JAF.

Let me begin by responding to an argument to the contrary. It might be thought that in some societies, classical utilitarians would have a good reason to join an agreement with members of other comprehensive doctrines on a Rawlsian conception of justice. For example, a Rawlsian conception of justice might be the only one capable of gaining widespread acceptance in a given society. A utilitarian might calculate that a society containing a widely accepted conception of justice is more conducive to happiness than a society that lacks one; so, for utilitarian reasons, she might accept JAF in her society. So it seems that classical utilitarians can join an overlapping consensus on JAF after all. Perhaps they can even *prefer* JAF as an account of justice.

This would be an odd result, since, in *A Theory of Justice*, Rawls spends a lot of time developing JAF as an alternative to utilitarian conceptions of justice. But in *Political Liberalism*, Rawls suggests that classical utilitarians might support the Rawlsian conception as their preferred conception. The doctrine of classical utilitarianism would endorse the Rawlsian conception

> for such reasons as our limited knowledge of social institutions generally and on our knowledge about ongoing circumstances. [This sort of utilitarianism] stresses further the bounds on complexity of legal and institutional rules as well as the simplicity necessary in guidelines for public reason. . . . These and other reasons may lead the utilitarian to think a political conception of justice liberal in content a satisfactory, perhaps even

the best, workable approximation to what the principle of utility, all things tallied up, would require.[47]

Whatever one thinks of Rawls's apparent change of mind, this argument that classical utilitarians could join an overlapping consensus on JAF still fails. There is a deeper reason why classical utilitarians must be excluded. Recall that earlier, I highlighted a requirement for being a member of an overlapping consensus – the requirement that one not withdraw one's support from the conception of justice if the "balance of relative forces" were to overwhelmingly favor a comprehensive doctrine that led to a different conception of justice. I'll now argue that classical utilitarianism fails to satisfy this requirement.

Unlike Rawls in *A Theory of Justice*, a utilitarian would not hold that justice is always the "first" virtue of political institutions. For a utilitarian, stability (in the sense of avoiding acrimony) will often take priority over justice. When it comes to generating the most happiness, a regime which promises more stability but less justice may, in some circumstances, be preferable to a regime which promises more justice but rougher relations between the society's diverse members.

Once we attend to this, it becomes apparent that even if utilitarians *do* come to support JAF as a political conception, they do so largely because of the balance of power in the society. Suppose that in a given society, it isn't feasible for utilitarians to support their own preferred political conception. (It doesn't matter whether their preferred conception is JAF, as Rawls suggests in the passage just quoted, or whether they in fact prefer a different conception instead.) Then utilitarians face a choice: either support no conception of justice, or else support a conception that's a

---

[47]John Rawls, *Political Liberalism*, p. 170.

close enough approximation of the conception preferred by classical utilitarianism. Presumably, utilitarians wouldn't choose the first option, because they would bring about more happiness by supporting a workable approximation to their preferred conception than by not supporting any conception at all.

But then utilitarians would have to decide which among the workable conceptions to support. And here they would have to attend to the balance of power in their society. Among other things, this would involve asking which among the workable conceptions is the least likely to be opposed by *unreasonable* citizens. Now, after paying attention to this, and to other influences on the balance of power, utilitarians might decide to support the conception of justice that's likeliest to win general acceptance (or, at least, they would support the one that would most effectively promote happiness, given the balance of power among comprehensive doctrines). That conception may well be the Rawlsian one, JAF. But the crucial point is that in choosing to support JAF rather than some other workable conception of justice, utilitarians must react to the balance of power in the society.

This becomes apparent when we ask what utilitarians would do if the balance of power were to drastically shift in favor of some other workable conception of justice. Suppose that JAF were to drastically fall out of favor with the society's unreasonable citizens. (The reason for this might be startlingly contingent – a political scandal or an economic crisis might do the trick.) Then utilitarians might calculate that a *different* conception of justice would be most conducive to happiness, given the balance of power in the society. Utilitarians would withdraw their support from JAF because of "happenstance and balance of forces." But in being disposed to do this, utilitarians violate the aforementioned necessary condition for taking part in an overlapping con-

sensus rather than in a modus vivendi agreement. Utilitarianism is a doctrine that encourages a disposition to engage in political compromise of the sort that a Rawlsian overlapping consensus cannot tolerate. And the same point applies to general welfarist thought as well. To the extent that a modern, democratic society is likely to include many citizens of a broadly utilitarian orientation – either card-carrying, classical utilitarians or less dogmatic but much more numerous general welfarists – Rawls's blueprint for achieving stability through an overlapping consensus on JAF is unlikely to succeed.

I wish to deal with one challenge before I move on.[48] I've granted, for the sake of argument, that it's realistic for Rawlsians to believe that reasonable citizens could gain control over the unreasonable ones, and that unreasonable citizens would eventually become a small, manageable minority. Why, then, should reasonable utilitarians care about adopting a conception of justice that appeals to unreasonable citizens? Why should they allow unreasonable citizens' concerns to upset an overlapping consensus?

It's important to recall that for Rawls, reasonable people are disposed to recruit other reasonable people into willingly cooperative arrangements. Rawls usually puts this very strongly, emphasizing that *all* reasonable people must be recruited into the cooperative arrangement for an overlapping consensus to obtain. Even if one weakens this component of the overlapping consensus into a mere ideal or aspiration, however, one must acknowledge that the reasonable person's goal must be to include a great many people in the overlapping consensus – perhaps even as many as possible. It seems, then, that there will be pressure for Rawlsians to say that rea-

---

[48]Thanks to Richard W. Miller for pressing me on this point.

sonable people will be motivated to recruit more than just their reasonable fellow citizens into an agreement on the conception of justice. For, arguably, it is by participating in the agreement and sharing in the public culture created by its conception of justice that unreasonable people stand that best chance of being converted to reasonableness; and this would seem to be the Rawlsians' most promising strategy of shrinking the proportion of unreasonable citizens down to a manageable size.

At the very least, Rawlsians owe us a different plan that is just as promising, or else an explanation of how unreasonable citizens might be brought to a manageable proportion *before* the establishment of the agreement.

(Perhaps reasonable citizens would begin by making *impermanent* agreements among themselves and together with several of the unreasonable citizens, allowing conceptions of justice to be changed when necessary so as to appeal to more and more unreasonable citizens. Ultimately, then, enough unreasonable citizens might convert to reasonableness, leaving only a very small and manageable minority of unreasonable citizens. Only then would the reasonable citizens implement a conception of justice as the object of a permanent overlapping consensus. I suppose that theoretically this strategy could succeed, but it does not seem very realistic.)

Why Religious Adherents Couldn't Join in the Overlapping Consensus

What I've said about classical utilitarianism applies also to general welfarism. But the same sort of worry applies to doctrines that are very different from either of those two. I'll now turn my attention to religious doctrines. Rawls supposes that "except for certain kinds of fundamentalism, all the main historical religions . . . may be seen

as reasonable comprehensive doctrines."[49] I agree; however, I doubt that reasonable religious adherents could join an overlapping consensus on JAF.

I'll restrict my attention to religious adherents who accept that our moral knowledge ultimately is based on knowledge that can be traced back to divine revelation – that is, those adherents who take all the ultimate moral principles to be revealed through God's commands (or through the disclosure of His will, or the like). Even with this restriction in place, the number of adherents is still likely to be rather large in a typical pluralistic society.

The first thing to notice is that, like classical utilitarians, most religious adherents do not claim to know the correct account of justice. Utilitarians do not claim to know it because, as we've heard Rawls put it, they do not claim to know "what the principle of utility, all things tallied up, would require." Religious adherents – most of them, anyway – don't claim to know God's revelation of justice with anything like the precision provided by philosophical accounts such as JAF. Religious adherents might have in mind very general principles about justice, such as that it involves, among other things, looking out for the poor. But the *degree* to which the poor should be looked out for is not something that religious adherents can claim to know on the basis of their respective comprehensive doctrines. And even if it were thought that the major religions give clear enough direction with respect to what *private citizens* should do for the poor, these religions still arguably do not specify what a modern, pluralistic state should do for the poor.

Of course, some people do interpret the major religions as precisifying what the

---

[49]John Rawls, *Political Liberalism*, p. 170.

state should do for the poor. For example, Peter Singer depicts Thomas Aquinas as claiming, on religious grounds, that a government has the duty to radically redistribute material goods in order to benefit the poor. Singer quotes Aquinas as saying that "the natural order instituted by divine providence" would have "human law" decree the appropriation of all "superabundance" for the "satisfaction of human needs."[50] Although Singer is not, himself, religious, it is likely that there are present-day radical Thomists who would extend this idea to the modern, pluralistic state.

But my argument need not be troubled by cases like these. The fact remains that nowadays, very few Christians would agree with the radical Thomists on this point. The vast majority of Christians would not claim that divine revelation – even when coupled with human reason – advocates any redistributive function of the state which is so precise, let alone so demanding of private citizens.

The upshot, then, is that religious adherents also must choose between different workable approximations of the correct account of justice, whatever that may be. And here it's plausible to think that many religious adherents will privilege stability in their choice of which conception of justice to support. (After all, many religions call their followers to seek and promote peace; and in modern, democratic societies, this sort of command is likely to be emphasized by religious authorities and by interpreters of sacred texts. Being willing to seek the peace is likely to involve a willingness to compromise with one's political opponents – appeasement, that is.) It should be stressed, however, that even if some religious adherents see no reason for preferring stability to justice, they may still choose which conception of justice to support on the basis of considerations having to do with "happenstance and the

---

[50]Peter Singer, "Famine, Affluence, and Morality," pp. 238–239.

balance of forces." And this, I have been arguing, is enough to exclude them from an overlapping consensus on JAF.

Taking Stock

I have argued that classical utilitarians, general welfarists, and many religious adherents must be excluded from an overlapping consensus on JAF. At best, adherents of these doctrines could only enter into a modus vivendi agreement on any specific conception of justice. Their commitment to JAF largely depends upon whether that conception happens to be the most *convenient* one for promoting stability, given the circumstances of the society, including whether the unreasonable citizens happen to favor JAF and how powerful those citizens happen to be.

Moreover, I suspect that many other reasonable citizens would be in a similar position. And this difficulty does not seem peculiar to JAF – it would seem to also afflict any other account of justice around which a consensus might be formed. The strategy of implementing an overlapping consensus, then, is an unrealistic one to pursue – at least as Rawls has defined it. Perhaps a distinction between an overlapping consensus and a modus vivendi agreement could be made which avoids the sort of difficulty that I have been discussing. Or perhaps, as I will argue in the next chapter, the ideal of upholding a single conception of justice should be given a less central role in theorizing about political structure. In any case, it appears that the stability of any one conception of justice is unlikely to be achieved in the manner proposed by Rawls.

The basis of this failure, I have suggested, is Rawls's understanding of reasonableness as coming into play as a virtue only in the agent's treatment of those who

reciprocate – those who also exhibit reasonableness. We are now in a position to see why this is the case. What destabilizes an overlapping consensus, leading some reasonable parties to switch their allegiance from one conception of justice to another, is the fickleness of the unreasonable parties, those not disposed to willingly cooperate. Unless the governing principles of the society are perceived as responsive to the interests and moral outlooks of unreasonable parties as well as reasonable ones, unreasonable parties won't be motivated to be loyal to those principles. And since unreasonable parties are likely to be present even in the most orderly pluralistic societies in significant proportions, they are likely to exert enough influence that some reasonable parties will judge it better, all things considered, to appease them by switching their endorsement to whatever acceptable conception of justice the unreasonable parties prefer at the moment. Utilitarians, general welfarists, and religious adherents may well be disposed to cooperate willingly with others who share that disposition, and they may therefore be counted as reasonable; however, there is nothing in their doctrines to prevent them from breaking off their allegiance to a particular conception of justice that has hitherto been the object of cooperation and endorsing a different conception of justice that also could be an object of cooperation among reasonable parties, when this second conception would be more to the (temporary) liking of unreasonable parties as well as reasonable ones.

A Rawlsian might attempt to respond by building an even stronger criterion of loyalty to a conception of justice into (a) the idea of an overlapping consensus, or even into (b) the idea of what willing cooperation, or reasonableness, requires. But insisting that an overlapping consensus requires stronger loyalty would be *ad hoc*. A reasonable party that wished to switch its allegiance to a different conception

of justice could sensibly point out that that conception also could serve as a set of guidelines for other parties disposed to willingly cooperate. And insisting that reasonableness itself requires stronger loyalty would make the idea of reasonableness too different from that of ordinary thinking. It's unintuitive to think that it would be reasonable to inflexibly uphold a certain conception of justice when other equally acceptable but less inconvenient ones are available.

In the next chapter, then, I'll apply my own conception of reasonableness to Rawls's stability problem. We shall see if it has a better chance of succeeding.

CHAPTER IV. A REASONABLE AND STABLE POLITICAL ORDER

Introduction: Perfectionism and Neutrality

To show what's distinctive about my account of how a political order could achieve stability, it will be useful to begin by looking at the disagreement between political perfectionists and those who advocate political neutrality.

As Steven Wall and George Klosko define it, political perfectionism is the doctrine that "the state should not strive to be neutral with respect to conceptions of the good, but should promote valid or sound conceptions of the good and discourage worthless ones."[1] Perfectionism itself says nothing about which conceptions of the good are sound and which are worthless. However, for perfectionism to be plausible, it must be paired with a workable theory of the good. Many liberal-leaning political perfectionists focus on the good of personal autonomy.[2] Others defend perfectionism together with Aristotelian doctrines about human flourishing.[3] Still others pair it with certain cultural ideals, such as those of Confucianism.[4]

As formulated above, perfectionism is a doctrine about what the state *should* do; but it can easily be converted into a doctrine about what it is *virtuous* or *good* for

---

[1] Steven Wall and George Klosko, "Introduction," in their edited volume, *Perfectionism and Neutrality*, p. 1.

[2] Notable modern perfectionist writings in this vein include *The Morality of Freedom* by Joseph Raz; *Beyond Neutrality* by George Sher; *Liberalism, Perfectionism, and Restraint* by Steven Wall; and "Legitimacy, Unanimity, and Perfectionism" by Joseph Chan.

[3] See, for example, Richard Kraut, *Aristotle*. Thomas Hurka, in *Perfectionism*, tries to reconcile Aristotelian ideas with a perfectionism that gives a special place to autonomy.

[4] See Joseph Chan, *Confucian Perfectionism*.

the state, or any political institution or agent, to do. This conversion might make the doctrine seem undeniable: surely something is virtuous if it promotes "sound" conceptions of the good and discourages "worthless" ones.

Nevertheless, perfectionism can be opposed by highlighting the undesirability of some of its apparent consequences. What especially matters for our discussion is that political instability appears to result from trying to promote "sound" conceptions of the good and trying to discourage "worthless" conceptions. I have spelled out this sort of objection at length in the dissertation's introduction. I'll now quote a succinct formulation of this argument due to George Sher, one of perfectionism's defenders. He writes:

> Because it has a near monopoly on force, any government can, if it wishes, base its own decisions on the very conceptions of the good that it prevents individuals from forcibly imposing on others. If a government does this, many whom it deters from forcing their own conceptions on others will try to achieve the same end by enlisting its coercive apparatus. Knowing this, many others will enter the fray to stop them; and still others will block the second group. . . . Carried to its extreme, the resulting struggle may well spill over into extralegal activity, and so may weaken the rule of law. In less extreme cases, it may issue in endless unproductive litigation, divisive media campaigns, or costly economic boycotts. Moreover, quite apart from its specific effects, any no-holds-barred contest to control the state's coercive apparatus is sure to engender animosity and bitterness. In this way, if in no other, such a contest will impoverish our social relations.[5]

Notice that Sher has in mind both of the negative aspects of instability that I discussed in the introduction: (1) impediment to advancing the good, and (2) "animosity and bitterness" between citizens.

Sher thinks that these problems do not defeat perfectionism. They are insuffi-

---

[5]George Sher, *Beyond Neutrality*, p. 118.

ciently severe: "Experience shows the worry to be grossly exaggerated. ... [The United States] government has long been nonneutral; yet we manage to live in comparative harmony."[6] A crucial factor that helps to explain the stability of the United States is the "characteristic mind-set" that its government "elicits."[7] Sher quotes Stephen Macedo to describe this mindset. It involves:

> A reflective, self-critical attitude, tolerance, openness to change, self-control, a willingness to engage in dialogue with others, and a willingness to revise and shape projects in order to respect the rights of others or in response to a fresh insight into one's own character and ideals.[8]

Macedo's words are from 1990, and Sher's quotation of them is from 1997. Sher's confident description of political stability in the United States may well have seemed plausible in the 1990s. After two decades, however, it is plain that "animosity and bitterness" are quite severe characteristics of U.S. political culture; that they are longstanding, *worsening* characteristics; and that they *increasingly* bring with them such material disadvantages as "endless unproductive litigation, divisive media campaigns, [and] costly economic boycotts" (to repeat Sher's language). U.S. citizens *increasingly* worry about "extralegal activity" which "may weaken the rule of law,"[9] and their rulers have even engendered a few paralyzing governmental shutdowns. Meanwhile, there is widespread concern about the abandonment of key components of the "characteristic mind-set" of U.S. citizens described in Macedo's quotation: in particular, that citizens are less willing to engage in dialog with opponents than they used to be. What is more, these developments seem to exhibit a longstanding

---

[6] *Ibid.*, pp. 118–119.
[7] *Ibid*, p. 119.
[8] Quoted in *ibid.*, p. 119; originally from Stephen Macedo, *Liberal Virtues*, p. 129.
[9] This worry is fostered, in part, by the increasing visibility of white supremacist movements – for example, by the Unite the Right rally of August 2017 in Charlottesville, Virginia.

trend already begun at the time of Sher's writing.[10] Already by 2006, for instance, the political climate had deteriorated so badly that Ronald Dworkin took it to be uncontroversial to offer the following characterization:

> American politics are in an appalling state. We disagree, fiercely, about almost everything. We disagree about terror and security, social justice, religion and politics, who is fit to be a judge, and what democracy is. These are not civil disagreements: each side has no respect for the other. We are no longer partners in self-government; our politics are rather a form of war.[11]

To summarize: Sher's defense of perfectionism fails to acknowledge just how politically unstable the country has been, and so he is wrong to dismiss the claim that perfectionist politics lead to instability.

As defined above, perfectionism is the rejection of neutrality regarding the conflicting conceptions of the good that states and other political institutions and agents might strive to implement. It is far from clear, however, whether implementing any *neutralist* political theory would improve social harmony or smooth out the destabilizing impediments to effective governance. Many citizens may be wary of neutralist ideals and procedures, believing them to usher in other undesirable consequences, such as diminished acknowledgment of the importance of truth in assessing and living by conceptions of the good (which, in turn, could even lead to skepticism about moral truth). Citizens may also suspect neutralists of bad faith when political actions performed with neutral intent yield non-neutral results.

In what follows, I outline a strategy for achieving political stability that is neither perfectionist nor neutralist. I begin by urging the cultivation of a civic identity

---

[10]Recall the partisan bitterness that would soon be evinced by the impeachment proceedings of 1998 and 1999 against President Bill Clinton.

[11]Ronald Dworkin, *Is Democracy Possible Here?*, p. 1.

that gives pride of place to the virtue of reasonableness, under the conception that I defended in Chapter II. Reasonableness, I suggest, is an appropriate virtue to focus upon because it is *ordinary*: it is valued by adherents of a variety of worldviews. It has intuitive appeal; moreover, it is commendable from several different moral and religious perspectives, as I'll argue at the end of the chapter.

Fashioning citizens' political identities so that they give pride of place to reasonableness is advantageous for three reasons. First, it diminishes animosity and naturally encourages reciprocation. Second, it allows citizens to focus on promoting the good, and so realizes the main attraction of perfectionism; yet it also encourages citizens to find ways around perfectionism's less attractive imperative to discourage those ideals they reject. Third, because my strategy of identity formation diminishes animosity, naturally encourages reciprocation, and allows citizens to focus on promoting the good, it enables them to work toward implementing their preferred conceptions of justice – at least in certain limited spheres – with comparatively little worry that their efforts will be sabotaged by opposing parties.

Civic identity formation, however, is only the first component of my overall strategy. Not all conflicts can be satisfactorily resolved by individual citizens' having the inclination to be reasonable. It is important, also, for reasonableness to be reflected in the law, especially in the drawing of political boundaries. I discuss two institutions through which reasonableness has been legally implemented so as to promote stability, with some historical success – federacy and the "millet" system – and suggest new applications for these institutions. Notably, this strategy does not insist on pinpointing a level at which political action is to be neutral, and so it does not face a challenge confronted by neutralist theories, which is to specify whether political

161

action must be neutral at the level of political advocacy, or of voting, or of legislation, or of judicial review, or of constitution framing, or at various of these levels in combination.

There remains the question of how it is reasonable to proceed when civic identity formation *and* legal boundary-drawing fail to mitigate conflict. I argue that in cases of extreme ideological disagreement, intra-societal norms no longer apply, and stability can best be recovered by formally recognizing opposing parties as members of separate societies.

Civic Identities and Justice

Philosophers have long believed that governmental stability can be promoted by embedding civic concerns into the identities of governed persons. This has been a theme of illiberals and liberals alike. To give one notorious example: in Plato's *Republic*, Socrates urges the telling of a "noble lie" as a means of persuading each city dweller to identify himself with, and carry out, his designated civic role.[12] Of course, lying is not the only way of inculcating a civic identity. Rulers might instead attempt to honestly persuade, or they might lead by example. Reasonable rulers would seek to employ methods approved of by those over whom they rule.

Rawls, too, expresses the hope that a civic self-identification could contribute to stability. He says: "If we use the term 'identity' in a manner now common, we can say that the shared common end of giving one another justice may be part of citizens' identity."[13] (Let's call this the *justice component* of a person's civic identity.)

---

[12]Plato, *Republic*, 414b–415d (pp. 118–120 of the edition listed in my bibliography).

[13]John Rawls, *Justice as Fairness*, p. 199, n. 20.

Rawls seems to think that if enough people were to identify themselves as promoters of justice for all, then justice would, in fact, be promoted. This would have the additional benefit of improving governmental stability. Citizens would be contented with the justice of their society. They would give credit to their political regime for its role in bringing about justice, and they would be moved to preserve that regime. Thus, the regime would be stable.

However, it's unclear how this hope of Rawls's could be realized in a liberal democracy without undermining stability. As Rawls himself points out, liberal democracies give rise to ideological disagreement, including disagreement about what is just.[14] This, in turn, would seem to undermine the usefulness of cultivating in citizens the "end of giving one another justice." If a ruling regime were to promote a particular conception of justice, J, a citizen who endorsed a conception opposed to J would be moved to replace that regime with one that accorded better with her own conception of justice. The temptation to do so would be especially acute if our citizen were to *personally identify herself* as committed to upholding justice for all the other members of her society. And so political power would unceasingly be contested between those who identified themselves with conflicting ideals of justice.

To show how this problem could be avoided, Rawls would appeal to the possibility of an "overlapping consensus" upon a single conception of justice. However, as I argued in the previous chapter, no consensus upon any specific theory of justice is likely to be formed on the basis of considerations that are sufficiently conducive to stability (as opposed to considerations that depend on some contingent balance of power). It's time to look beyond justice, then.

---

[14]Again, I refer to what Rawls calls the "fact of reasonable pluralism."

Civic Identities and "Ordinary" Virtues

At this stage, one might point out that justice isn't the sole governmental virtue. Even if a regime failed to uncontroversially promote justice, it might earn the loyalty of enough citizens, and thereby achieve stability, by visibly promoting some other, less disputed, more "ordinary" virtue. If an "ordinary" virtue were important to citizens, they would consider themselves to have a strong reason to allow a regime that promoted that virtue to continue to rule.

Consequently, one might be attracted to the following idea:

> NON-CONFLICTING CIVIC IDENTITIES (NCCI): A regime typically will enjoy stable support to the extent that three conditions are met. First, the regime's citizens must *not* identify themselves as promoters of those virtues that they *disagree* about, such as justice. Second, its citizens must identify themselves as promoters of virtues that they *agree* about. And third, its citizens must believe that their government exhibits or facilitates virtues of the second sort.

One author whose writings can be appealed to in support of NCCI is Michael Ignatieff. In his recent book, *The Ordinary Virtues*, Ignatieff recounts how he interviewed members of different societies around the globe in order to discover components of morality that could ground "moral order in a divided world."[15] (Although Ignatieff's book discusses the world as a whole, one might try to apply its conclusions *within* pluralistic societies as well.)

Ignatieff argues that comprehensive ideologies aren't up to the task of grounding "moral order" (or, for our purposes, political stability). He lists six different types of ideology and finds them wanting.

---

[15]This is the book's subtitle.

(1) Nationalist ideologies have been eroded by migration, trade, new technologies, and other forces of globalization. Nationalisms have lost ground to values that purport to be universal.[16]

Globalization has spread Western secular values such as (2) human rights and (3) international law. These values are purported to apply to all human beings. However, secular values often clash with non-Western values.[17]

(4) Environmental values also have gained popularity, and they may reflect sensibilities that are more universal. With respect to specific disputes, however, environmentalism has "sharpened rather than reduced conflict over environmental responsibility."[18] (This should remind us of the point that a commitment to justice leads to conflict over what is just. This point, of course, also applies to conceptions of justice that arise out of non-environmental perspectives.)

Like these secular values, religious ones such as (4) the Christian ethic of love have wide appeal. But Christianity and (5) the other global religion, Islam, perpetually compete against secular outlooks (and against each other).[19]

Another option, drawn out of university culture, is that of (6) an ethic that takes seriously the philosophical implications of adopting a "view from nowhere" or, at least, "nowhere in particular."[20] (We might note that Rawls's theory of justice is developed in this fashion.) Ignatieff categorizes this together with the philosophical elaboration of a "one-world" ethic.[21] He remarks that university-style moralizing

---

[16]Michael Ignatieff, *The Ordinary Virtues*, pp. 11–12.

[17]*Ibid.*, pp. 17–18.

[18]*Ibid.*, p. 19.

[19]*Ibid.*, pp. 19–20.

[20]*Ibid.*, p. 21. "The View from Nowhere" is the title of a book by Thomas Nagel.

[21]Michael Ignatieff, *The Ordinary Virtues*, p. 21. One might quibble that a "one-world"

has generated much intellectual discussion. "As a politics, however," he objects, this approach "is not making much headway."[22] Compared with ideologies of types (1)–(5), its appeal to ordinary citizens is especially limited.

So much for comprehensive ideologies, then. What *do* seem to have universal appeal are what Ignatieff calls "ordinary" virtues. To identify them, he and his fellow researchers asked ordinary citizens how they coped with change (what Ignatieff considers to be the distinctive feature of contemporary life). Ignatieff reports:

> The individuals we talked to never separated their own private dilemmas from the wider social context of conflict in which they lived. Generalities about human obligation and moral reasoning meant little to them: context was all. In each place, we listened for common ethical languages as our partners in dialogue struggled with the questions that they wrestle with in their daily lives.[23]

Ignatieff goes on to tell us that his book "focuses on the ordinary virtues because these virtues – trust, tolerance, forgiveness, reconciliation, and resilience – emerged as the common thread through all our dialogues."[24]

The virtues on this list, Ignatieff says, are "acquired practical skills in moral conduct and discernment, not shared values as such."[25] Whether or not values should be distinguished so sharply from virtues, Ignatieff is surely right that trust, tolerance, and the like are crucial if diverse members of society are to relate harmoniously with one another. When we search for virtues to promote as stability-enhancing compo-

---

ethic, as articulated, e.g., by Peter Singer in *One World Now*, is substantively different from an ethic of a "view from nowhere." Even if this is the case, however, Ignatieff's criticism applies equally to both approaches.

[22]Michael Ignatieff, *The Ordinary Virtues*, p. 22.

[23]*Ibid.*, p. 26.

[24]*Ibid.*, p. 26.

[25]*Ibid.*, p. 27.

nents of civic identity, then, we should search among "ordinary" virtues like the ones from Ignatieff's list.

At least, it seems that this is what we should do if we accept NCCI and reject Rawls's justice component.

Civic Identities and Justice (Again)

Things aren't so simple, however. There's a good reason *not* to reject the justice component (and therefore not to accept NCCI). Comprehensive ideologies *do* matter to people, and so do the conceptions of justice they engender. One indication of this, which Ignatieff himself remarks upon, is the existence of destabilizing conflict along ideological lines (say, between Muslims, secularists, and Christians).

Ignatieff and his fellow researchers may not have heard much about comprehensive ideologies from the ordinary folk they encountered in their travels around the globe. But this is a weak reason to accept Ignatieff's claim that such ideologies do not especially inform daily interactions. Ignatieff can hardly have interviewed enough people to establish this claim. Also, there is the possibility that his interviewees may not have disclosed as much as Ignatieff supposes them to have done. Sensing what sort of data Ignatieff was after, the interviewees may well have preferred not to reveal the non-universal aspects of their moral thinking.

It's undoubtedly true that ordinary virtues serve as lubricants, reducing the friction that results when adherents of opposing moral ideologies rub up against each other. But – to continue this "mechanical" metaphor – the engines that drive people to live morally, in the first place, are their differing moral ideologies, from which conceptions of justice cannot be extracted.

What's needed, then, is a plan for stability according to which a citizen's identity typically includes commitments both to (1) some moral ideology, along with its conception of justice, and (2) some ordinary virtue that ameliorates conflict that arises between those who endorse opposing ideologies. If citizens are convinced that their political order tends to help them to realize commitments (1) and (2), then they will be motivated to give it their allegiance.

I'll now argue that reasonableness, as characterized in Part One of this dissertation, is an ordinary virtue suited to playing the role just specified.

Reasonableness as a Component of Civic Identity

Consider a society of Christians, Muslims, and atheists. If a Christian is reasonable, she will be moved to *help* the Muslims and atheists to realize the values of their respective worldviews. For example, she will try to accommodate Muslims' restrictions concerning diet and dress, and she will refrain from insisting on communal religious expression when atheists are present. Of course, her own religious commitments will limit the *degree* to which she is able to help her ideological opponents to realize their own values. But her reasonable disposition will move her to regard this limitation as regrettable rather than as a reason for seeking advantage. Indeed, swayed by this regret, she may well be especially moved to accommodate others in those arenas in which she can allow herself to do so. Thus, she will exhibit good will toward others which they, in turn, will often be inclined reciprocate.

This is the sort of disposition that can be inculcated into citizens as components of their civic identity. But how might this disposition be *effectively* cultivated?

I suggest that it would be good to emphasize how this disposition contributes to

a different virtue: *neighborliness*. Jeremy Waldron has given perhaps the best account of this virtue.[26] "Neighbors," as he describes them, are people in a relationship of "thrownness." That is, they are *thrown* together in physical proximity to one another: the *reasons* for their proximity are irrelevant, as far as neighborliness is concerned. Good neighbors treat each other well no matter who they are or how they have happened to be placed together.

Waldron's concern in developing his account of this virtue is to examine the requirements of beneficence. But surely there's more to being a good neighbor than promoting the well-being of those with whom one is "thrown." Those who are in a neighborly relationship that is good, and not just indifferent, are involved in each other's lives. Being so involved requires being aware of each other's moral leanings. I'm not an especially good neighbor if I lend sugar or watch out for burglars but take no interest in who the person next door is or what she cares about. However, if I establish a neighborly relationship with her, learning about the worldview that brings meaning to her life, I'm deficient as a neighbor if I'm not moved to contribute to that meaning, i.e., if I'm not reasonable toward her.

This progression is likely to occur naturally in a genuinely neighborly relationship without conscious reflection on reasonableness. To inculcate reasonableness into citizens' identities, then, a political order might focus on promoting neighborliness instead. Reasonableness would then be promoted indirectly, with neighbors figuring out on a case-by-case basis how to treat one another, without having to engage in controversial, abstract reflection about when it is proper to defer to adherents of opposing worldviews.

---

[26]Jeremy Waldron, "Who Is My Neighbor?"

Federalism and Federacy

As citizens, we learn to be reasonable by practicing being good neighbors. But given the level of disagreement in typical pluralist societies, stability will not be achieved just by citizens' behaving toward one another in an informal, neighborly fashion. I now turn to two formal measures that a political order might take to promote stability. Both measures, federalism and the millet, are reasonable in that they involve a government's devolving power to citizens so that they can promote justice and the good as they see fit.

The starting-point for much philosophical reflection on federalism is the work of William H. Riker.[27] Riker examines various historical examples of federating to explain the rationale of that arrangement. He describes how, in typical cases, independent governments form alliances which are then strengthened into federations. What distinguishes mere alliances from federations is that the former exhibit weaker ties between constituent units, while the latter use strong legal measures to keep units together. What distinguishes federations from larger unitary governments – states or empires – is that:

> Governments that are not federations can reorganize the local units at will, destroying old regional units and creating new ones. But in federations the constituent units have agreed with each other that each will retain its unique identity and unique functions.[28]

If a governmental arrangement is to be a stable federation, Riker continues, it must have a reason to not devolve back into a mere alliance (or into a group of in-

---

[27]See, for example, William H. Riker, *Federalism: Origin, Operation, Significance*, and Riker, "Federalism."

[28]William H. Riker, "Federalism," p. 508.

170

dependent, non-allied units). On the other hand, it also must have a reason to not evolve into a unitary arrangement. According to Riker, history shows that the goal that tends to stabilize federations is military expediency. Thus, he rejects the possibility of a global federation of states, because such a federation would have no military opponent to contend with and hence no need to exist. (This, of course, would not rule out the possibility of *unitary*, i.e. non-federal, global governance.) So, for Riker, while federalism serves the goal of promoting stability, it's typically implemented so as to guard societies from *outer* destabilizing forces. One other form of instability that Riker addresses is that of populist majoritarian oppression of minorities. Here, Riker concedes that a federal system that grants permanent group rights to sub-units can help to preserve stability by safeguarding individual liberties.[29] But in such cases, superior military expediency remains the chief reason for preserving a federation rather than allow it to devolve into an allied or non-allied group of independent units. Rikerian federalism, then, is not fundamentally motivated by reasonableness as I've been describing that virtue; it's an arrangement of expediency.

But Riker's is not the only possible model of federalism. As Alfred Stepan puts it, Riker adopts a model of federalism as the "*coming* together" of independent political units. (This was what occurred in such countries as Switzerland and the United States.) But not all federal arrangements come to exist in this way. Some are created through a unitary state's devolution of political power to sub-units. Stepan calls this "*holding*-together federalism."[30] He gives examples:

---

[29]See William H. Riker, *Liberalism Against Populism*.

[30]Alfred Stepan, "Federalism and Democracy," pp. 257–258. Stepan also acknowledges that federal arrangements are sometimes created when independent countries are *conquered* and then granted a certain amount of governmental autonomy by the conquerors. He calls this "*putting*-together federalism" (p. 258).

India in late 1948, Belgium in 1969, and Spain in 1975 were all political systems with strong unitary features. Nevertheless, political leaders in these three multicultural polities came to the decision that the best way – indeed, the only way – to hold their countries together in a democracy would be to devolve power constitutionally and turn their threatened polities into federations. The 1950 Indian Constitution, the 1978 Spanish Constitution, and the 1993 Belgian Constitution are all federal.[31]

Stepan also provides examples of unitary states that might well become more stably democratic by incorporating at least some aspects of holding-together federalism into their governance:

> In my judgment, if countries such as Indonesia, Russia, Nigeria, China, and Burma are ever to become stable democracies, they will have to craft workable federal systems that allow cultural diversity, a robust capacity for socioeconomic development, and a general standard of equality among their citizens.
>
> Consider the case of Indonesia, for example. It seems to meet all the indicators for a federal state. It has a population of over 200 million, and its territory is spread across more than 2,000 inhabited islands. It has great linguistic and ethnic fragmentation and many religions. Thus it is near the top in virtually all the categories associated with federalism. If Indonesia is to become a democracy, one would think that it would have to address the question of federalism or decentralization. Yet at a meeting of Indonesian political, military, religious, and intellectual leaders that I attended after the fall of Suharto, most of the participants (especially those from the military) rejected federalism out of hand because of secessionist conflicts at the end of Dutch colonial rule. Indonesia should at least consider what I call a *federacy* to deal with special jurisdictions like Aceh or Irian Jaya. A federacy is the only variation *between* unitary states and federal states. It is a political system in which an otherwise unitary state develops a federal relationship with a territorially, ethnically, or culturally distinct community while all the other parts of the state remain under unitary rule. Denmark has such a relationship with Greenland, and Finland with the Aaland Islands.[32]

---

[31] *Ibid.*, pp. 257–258.

[32] *Ibid.*, p. 256. It is worth keeping in mind that these remarks were first published in 1999. Of course, some of Stepan's examples are disputable. In his article "Federalism," William H.

Analyzing these and other examples, Stepan argues that holding-together federalism and federacy succeed when governmental sub-units have "much less prior sovereignty" than the sub-units of coming-together federations.[33] He goes into considerable detail about how holding-together federations must design their constitutions. Perhaps the most important stability-promoting feature of holding-together federations is that they are willing to allow their sub-units to bear *constitutionally asymmetrical* relations to each other: that is, the constitutions of such federations may "grant different competencies and group-specific rights" to different sub-units.[34]

Whether or not such asymmetry must be implemented in a federal *constitution* is not a question that I'll discuss.[35] What I do wish to argue is that asymmetrical federalism, or perhaps federacy, can be a reasonable way of mitigating a country's internal instability.

I have mentioned that one form of internal instability that Riker addresses, and which is dealt with tolerably well by federal arrangements in which sub-units have symmetrical rights and competencies, is instability resulting from majoritarian oppression of sub-units whose populations are in the ideological minority of the country as a whole.[36] But stability is threatened from the opposite direction as well, when minority-governed sub-units enjoy rights that allow them to obstruct majori-

---

Riker notes that after the success of Canadian federation, the British tried to leave many of their newly independent former colonies as federations, but that this arrangement sometimes failed to be stable, as in Nigeria, and other times was transformed into unitary government, as in New Zealand.

[33]Alfred Stepan, "Federalism and Democracy," p. 256.

[34]*Ibid.*, p. 257.

[35]Riker, in "Federalism," is adamant that the constitutionalization of federalism is a key feature of that arrangement, and he bemoans scholarship that ignores constitutionality. Stepan appears to agree.

[36]Again, see William H. Riker, *Liberalism Against Populism*.

ties' attempts to promote majoritarian ideals of justice and goodness in the territories that majorities govern.

This seems to be the main destabilizing factor in the United States today, at least as far as governmental sub-units such as states and cities, rather than social units such as ethnicities, cultures, and religious groups, are concerned.[37] It is not destabilizing in the manner that Riker emphasizes – there is little danger of the country's different states failing to jointly promote military objectives. Rather, U.S. instability is of the sort that threatens the country's internal functioning. Increasingly, elected officials of opposing parties refuse to work together on such tasks as legislation – sometimes shutting down the federal government. Ordinary citizens refrain from exchanging views with their political opponents. All around, relations are soured and citizens and rulers become more contemptuous of each other.

In response to these problems, it is often popularly suggested that federalism itself should be diminished in the United States. To give just one example, it is commonly suggested that presidential elections should be settled by direct, majoritarian popular vote rather than by the Electoral College system, which allows parties that lose the popular vote to seize control of the executive branch of government and to influence the membership of the judicial branch. But, while there may be compelling arguments that favor a more straightforwardly majoritarian electoral system, the appeal to stability cannot be one of them. As Riker emphasizes, instability arises also when majorities impose their will on minorities.

A reasonable political order, on the other hand, might ensure that more citizens

---

[37]The U.S. Constitution has much more to say about the relative powers of governmental sub-units than those of other sorts of groups.

are governed in accordance with their own conceptions of justice and the good by devolving powers *from* the federal government *to* constituent units – at least, in cases where those units exhibit sufficiently uniform opposition to the policies adopted by the federal government. So, for example, if a handful of sub-units uniformly oppose a certain federal policy, but others do not, the federal government might devolve its power to determine that issue to those sub-units, but not to the others. This would make the relative powers of the sub-units asymmetrical to one another. Arguably, this devolution of power on a case-by-case basis would not count as *federacy*. But if enough instances of policy devolution occurred clustered together according to certain patterns, it might be appropriate to regard the sub-units receiving the special privileges as, in effect, relatively autonomous; and if this autonomy were entrenched in the political order over time, the overall system would become a genuine federacy. This is not to say that the relatively autonomous regions would be sovereign. They would still be bound to the sovereign nation by military and economic goals, as well as, in many cases, by freedom of movement, by shared history and culture, and by an inability to secede without the consent of the federal government. (It should be noted, also, that the decision to remain politically connected to one's ideological opponents for the sake of participating in a shared culture will normally be one that arises from reasonableness – at least if the relational account of reasonableness, as defended by Anthony Simon Laden, is correct.[38])

Still, the sort of federalism that I am recommending would require radical change – at least in societies, like those of the United States, whose symmetrical federalism is entrenched in a relatively static constitution. In the United States, it may not be

---

[38]See my discussion on pp. 103–110 of Ch. II.

realistic to expect such change, and so this strategy for mitigating instability may not be available. But this, again, supports one of Stepan's main claims about federalism: the United States is not a model to aspire to. It may be likelier that federalism or federacy would improve stability in other societies.

The Millet System

The resort to federacy that I've just proposed requires rather clean-cut geographic divisions along ideological lines. It's likely, however, that in some geographic regions, adherents of competing ideologies are so thoroughly mixed together that it would be impossible to pick out large enough subregions featuring dominant ideologies. Such a region needn't be unstable, especially if it contained a large enough proportion of reasonable inhabitants with neighborly concern for each other's moral motivation. But it it *were* unstable, how could a reasonable devolution of power of the sort just recommended be implemented there?

One option would be to geographically segregate the adherents of conflicting ideologies inside that region. But this is not an attractive proposal. As Elizabeth Anderson has argued, even *de facto* segregation is deeply problematic.[39]

Another option would be to build up sizable ideologically-dominated provinces through gerrymandering, or through grouping ideological "islands" into "archipela-

---

[39]See Elizabeth Anderson, *The Imperative of Integration*. And apart from Anderson's arguments, the state-sponsored segregation of cultural, ethnic, or religious groups is now looked upon with horror. The forced resettlement of Native Americans in the USA, apartheid in South Africa, and similar programs of geographic segregation are viewed as paradigms of injustice. Anderson argues for the state-sponsored *integration* of minority groups and disadvantaged groups into the mainstream. However, she doesn't address the problem of upsetting stability-conducive proportions of conflicting groups. (She doesn't discuss stability at all.)

gos" with unified local governments. But this would be feasible only if such provinces were able to function well enough despite their geographic awkwardness. In some regions, then, creating a federacy might not be a viable way of achieving stability.

As I've presented this geographic problem so far, it's largely contingent – it arises out of the circumstances of particular societies. However, it might be argued that this problem will eventually arise in virtually every society that contains both rural and urban areas. This is because rural and urban areas are thought to increasingly express conflicting ideological preferences.

In the United States, for example, this trend is reflected in the results of recent elections. One map, published online by the *New York Times*, displays every electoral precinct in the United States as colored in some shade of either red or blue; the shade of each precinct is determined by the proportion of votes received there by the Republican or Democratic candidate during the presidential election of 2016.[40] This map depicts urban areas as tending to be conspicuously blue, or Democratic, and rural areas as tending to be conspicuously red, or Republican (though some individual precincts deviate from the general pattern).[41] Urban citizens dwell in small ideological "islands," not in large, ideologically contiguous swaths of territory.

---

[40]Matthew Bloch, Larry Buchanan, Josh Katz, and Kevin Quealy, "An Extremely Detailed Map of the 2016 Election."

[41]An urban area that strongly exemplifies the general pattern is that of the "twin" cities of Minneapolis and St. Paul, Minnesota (*ibid.*). On the map, the urban area's center, in which the Democratic candidate received an especially high proportion of votes, is colored in a dark shade of blue. This center is surrounded by concentric rings. Rings that are successively peripheral, representing successively less urbanized areas, are colored in successively lighter shades of blue, corresponding to the Democratic candidate's successively lower proportional success. The outer, rural areas, in which the Republican candidate received the majority of the votes, are colored in red – and, very far from the urban center, in shades of red that are especially dark.

If this should become true of most societies – that is, if we can expect city dwellers to be at odds, ideologically, with their rural counterparts – then the "island" pattern of ideological distribution across a territory is normal rather than merely circumstantial. And this pattern doesn't lend itself well to federacy. Although the inhabitants of different cities may be in ideological accord with one another, they're spatially disconnected from each other. Moreover, because cities and rural areas tend to perform complementary economic functions, it would be very costly to separate them from each other politically so that city dwellers could unite with like-minded but faraway co-ideologues.

It would be good, then, if other ways of devolving power to groups were available besides geographically delineated ones. Fortunately, historical precedents exist. Following Will Kymlicka, I will use the term "millet" to refer to a largely self-governing unit whose members live within a region governed by ideological opponents, and who are not (very) geographically separated from those ideological opponents.[42] Historically, the term refers to self-governing minority communities of Christians or Jews within the Ottoman Empire, who practiced their respective faiths while interacting regularly with the Muslim majority. But, as Kymlicka notes, there are many examples of present-day "millets": American Indian tribes whose "governments are not subject to the American Bill of Rights"; "long-standing religious sects (e.g. Mennonites, Doukhobours, Amish, Hutterites)" who are exempt "from laws regarding the mandatory education of children"; and so on.[43] Kymlicka notes the stability that

---

[42]Will Kymlicka, "Two Models of Pluralism and Tolerance."

[43]*Ibid.*, p. 38. Kymlicka is to be applauded for categorizing Amish groups as "millets" rather than as staunchly separatist groups, as other commentators do. The reality is that many members of these groups interact with outsiders with such regularity that it is misleading to call them separatist, as if they were geographically or socially isolated from others.

characterizes the interactions between many of these groups and the larger societies that they inhabit.

What I suggest is that a reasonable political order might cultivate stability by exhibiting an openness to recognizing millets. It could establish smooth procedures to facilitate the conferral of special group rights upon millets. At the very least, it would be open to allowing group rights to be transferred on a case-by-case basis. (However, if it restricts itself to this, it will likely only devolve power to groups that have long histories in the broader community.)

Pursuing a "millet" strategy would be especially advantageous in conjunction with promoting reasonableness as a component of civic identity. People who embrace such an identity would be eager to help their fellow citizens to live out their demands of conscience. This would be easier for reasonable people to do if they knew which of their fellow citizens belonged to which millets, and what those millets' tenets were. (If I know that my colleague is a Muslim, I know not to bother her with food during her time of fasting, and I am better able to accommodate the right that she enjoys, as a member of *her* millet, to pray during a certain hour.)

Reasonableness also motivates important limits to the millet system. Traditionally, millet-accommodating societies have curtailed freedom of conscience and exit rights for individual group members. Under the Ottoman system, for example, religious proselytizing was forbidden, and one major criticism of the public schooling exemption for groups such as the Amish is that it enables parents to prevent their children from obtaining cultural skills that might help them to leave the religious community. From observations such as these, Kymlicka draws the lesson that the millet system is obviously inferior to a perfectionist order that exalts individual au-

tonomy.[44] However, if one is reasonable, one would hesitate to grant a millet the right to prevent the conscientious exit of one of its members. Yes, one would be drawn to respond positively to the reasons of the exit-curtailing traditionalists in the millet; but one also would be drawn to respond positively to the reasons that would be expressed in good faith by those in the millet who wish to leave. Being reasonable, by itself, doesn't determine that one must side with the exit-curtailing party. As a person who regards both other parties reasonably, one may choose to side with the leaving party on the issue of exit rights while allowing one's choice on some other issue to come down on the side of the traditionalist's reasons (for example, on the issue of conscientious objection to war). Imposing reasonably motivated limits upon a millet's rights would therefore help to answer Kymlicka's objection to the millet system.

Finally, the millet strategy can be used to mitigate the problem of urban vs. rural ideological disagreement. City dwellers who agree with but are geographically disconnected from the inhabitants of other cities, as well as rural citizens who are spatially distant from *their* ideological partners, can be permitted to form groups with certain special rights of self-government – on the model of paradigmatic religious or ethnic millets – if they should happen to become foreseeably permanent ideological minorities within a country or large sub-unit of a country. However, such groups must define themselves ideologically rather than geographically (e.g., not simply as the inhabitants of this or that city). They must respect the rights of those who live near them, who belong to the ideological majority of the larger territory that con-

---

[44]Kymlicka's main goal in "Two Concepts of Pluralism and Toleration" is thus to criticize Rawlsian political liberalism, which cannot appeal directly to the value of individual autonomy in order to object to the millet system.

tains them, to be governed by the laws of that territory. Also, they must be open to allowing their own members to belong to other millets – so that, for example, a person can be both a Muslim and a member of an urban ideological millet – though this may not always be workable, as disagreement between different millets may be too difficult to resolve.

Irresoluble Disagreements

Some disagreements within a country, however, may be so intractable that stability could only be preserved by dividing the country into different ones.

There is a large philosophical literature about the conditions for appropriate secession. This is not the place in which to examine that literature; and, in any case, secession is not the only form of social divorce. (Secession is asymmetrical divorce – if B secedes from A, A does not secede from B – but some state divorces are symmetrical.)

When other stability-promoting measures fail, reasonableness will tend to favor such divorces. Better to let each side implement its own conception of the good without obstruction! Better not to force enemies to be compatriots! (They may be friendlier toward each other if there are stronger legal separations between them.)

But even here, there are hard cases. I will illustrate their complications by discussing a paradigmatic (but not strictly historical) hard case.[45] It may be judged by some parties, for ideological reasons, that state divorce is not allowable. Suppose

---

[45]Discussion of slavery used to appear rather regularly in the literature on political disagreement. Two representative examples are *Democracy's Discontent* (1996) by Michael J. Sandel and "In Defense of Liberal Public Reason" (1997) by Stephen Macedo.

that a country has an anti-slaveholding half and a pro-slaveholding half. Slavery is regarded by all as an issue of tremendous importance and intractable disagreement. All parties may be stipulated to be reasonable:[46] however, each side considers its position on slavery to enjoy *overriding* importance.

Nevertheless, there is a further difference, apart from the main issue, between these two halfs: while the citizens of the pro-slaveholding half would be content to divorce themselves from their anti-slaveholding compatriots, the anti-slaveholding citizens are against this option; they consider themselves obliged to impose their conception of the good on the pro-slaveholding citizens. Here, things get more complicated. Suppose that the pro-slaveholding half attempts to divorce itself from the union. Focus on citizens in the anti-slaveholding half. They will differ among themselves about the legality of the attempted divorce and on whether forcible coercion against the pro-slaveholding half may be resorted to. Anti-slaveholders who do not consider the divorce to be legal may attempt to justify war against the pro-slaveholding half as a form of legal intrastate coercion; on the other hand, those who do consider the divorce to be legal may only be able to justify the war as humanitarian intervention. But then further disagreements about which sorts of coercion are justifiable in these different circumstances will arise within the anti-slaveholding half. The crucial point is that to convincingly exhibit reasonableness toward its citizens, the government of the anti-slaveholding half must evince some inclination to follow each of the positions regarding a possible war with the pro-slaveholding half. Which course of action the government eventually takes must be largely influenced by the distribution of views

---

[46]It may be objected that pro-slaveholding citizens are obviously unreasonable because of their attitudes toward the slaves. I ask my readers to set this plausible view aside for the sake of argument.

about war that are endorsed in the anti-slaveholding society; if it is not, that society will be destabilized (unless, of course, illiberal, non-democratic measures are implemented to preserve stability). It is likely that in many cases, a liberal, democratic government's commitment to treat its own subjects reasonably would stack the deck against large-scale intrastate coercions and humanitarian interventions.

Reasonableness as a Virtue: Consequentialist Considerations

I've finished suggesting ways that political orders may exhibit reasonableness and thereby promote stability. What remains is to fulfill my promise to give more argument for why reasonableness is an ordinary virtue. I hope that reasonableness will intuitively be regarded as such. However, my case would be strengthened if it could be shown that a variety of popular worldviews independently provide reason for regarding reasonableness as a virtue. Their convergence on this virtue would indicate that reasonableness is widely present in moral thinking.

I will discuss four different moral perspectives, two of them secular and two of them religious. I begin with consequentialism. Then I offer a respect-based argument. I conclude the dissertation by discussing the two global religions, Christianity and Islam.

For consequentialists and those whose moral perspectives are basically, if not exclusively, oriented toward consequences (recall my "general welfarists" from Chapter III), promoting the good is what matters. Consequentialists disagree among themselves about what is ultimately good – pleasure, happiness, knowledge, love, or some combination of these things (or other things that it is common for people to desire). They also disagree about the extent to which genuinely moral behavior diverges from

behavior that is commonly considered to be moral.[47]

However, most consequentialists believe that most moral codes that morally-minded people try to follow are, with respect to most issues, decent approximations of the true moral code. They believe that by trying to follow their own moral codes, most people, most of the time, promote the true good (or goods) better than if they didn't try to follow these moral codes.

Thus, consequentialists generally have good reason to assist others in following their respective moral codes. But this would involve being willing to be swayed by the (purported) reasons that others would offer to them in good-faith discussion – which, I have been arguing, is what reasonableness is. Consequentialists, then, have good reason to cultivate the trait of reasonableness; by their lights, reasonableness is a virtue.

It may be objected that consequentialists ought to spend their efforts trying to convert other people to closer approximations of the true moral code rather than helping them to live out moral codes that, from the consequentialist perspective, are mistaken. Under some circumstances, this might be right. But, typically, trying to win converts would not be efficient. Few people stray very far, ideologically, from what they grew up with.

My own conception of reasonableness is also more valuable, from a consequentialist perspective, than Rawls's conception of reasonableness. Recall that for Rawls, reasonable people "are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others

---

[47]For an example of a consequentalist-like view that diverges radically from common-sense morality, see Peter Singer, "Famine, Affluence, and Morality."

on terms all can accept."[48] However, there is a strand of consequentialist thinking, associated with the work of John Stuart Mill, that provides reason to be wary of implementing of a single set of terms for cooperation throughout an entire "social world."

According to Mill, it is important that different individuals be allowed to enact different "experiments in living." This will help others to figure out what possible lifestyles yield the best results.[49] It is a short step from this insight to the one that it is also valuable for societies to contain different groups that organize themselves along different principles. This would provide onlookers with natural "experimental" data for deciding how they themselves should be organized.

My conception of reasonableness serves to reduce the friction that would arise between parties that endorse different conceptions of justice. Reasonableness under Rawls's conception, on the other hand, discourages the existence of a plurality of "experiments in [group] living"; it encourages citizens to join together under just one conception of justice.

Reasonableness as a Virtue: Considerations of Respect

We have seen that the disposition to treat others reasonably has sometimes been understood in terms of emotional connectedness to others (recall the discussion in Chapter II of Jason Stanley's view of reasonableness, on pp. 110–115).

Kantians will be especially opposed to this way of thinking. While they will acknowledge that sympathy is often appropriate, they will resist to put it at the core of

---

[48] John Rawls, *Political Liberalism*, p. 50.
[49] John Stuart Mill, *On Liberty*.

any characterization of a genuine moral virtue. Barbara Herman gives this illustration:

> Suppose I see someone struggling, late at night, with a heavy burden at the back door of the Museum of Fine Arts. Because of my sympathetic temper I feel the immediate inclination to help him out. ... We need not pursue the example to see its point.[50]

Cases such as this one may lead Kantians to insist that it is not always morally good to be moved to help others to achieve their goals. In this example, of course, the goal is not one that the art thief would be expected to purport to others in good faith, and so a person would not be unreasonable if she were unmoved to help the art thief on that account. But Kantians may still be wary of the motive to help others to achieve their purportedly moral goals, because those goals will often fail to promote what, from their perspective, duty requires.

However, the motive to help others to achieve their goals need not be based on any passion. Intuitively, it may also be based on respect for those persons. Recall W. B. Yeats's famous poem, "An Irish Airman Foresees His Death":

> I know that I shall meet my fate
> Somewhere among the clouds above;
> Those that I fight I do not hate,
> Those that I guard I do not love;
> My country is Kiltartan's Cross,
> My countrymen Kiltartan's poor,
> No likely end could bring them loss
> Or leave them happier than before.
> Nor law, nor duty bade me fight,
> Nor public men, nor cheering crowds,
> A lonely impulse of delight

---

[50]Barbara Herman, "On the Value of Acting from the Motive of Duty," pp. 364–365.

> Drove to this tumult in the clouds;
> I balanced all, brought all to mind,
> The years to come seemed waste of breath,
> A waste of breath the years behind
> In balance with this life, this death.[51]

Suppose that an airman has decided to end his life, or to put himself into a position in which his life is very likely to be ended. This poem is his instrument for expressing to us his reasons, his method, and his general state of mind. If what he's about to do isn't, strictly speaking, suicidal, it's very close to being so.

Now, because of our own moral outlook, we may strongly oppose suicide and actions akin to it.[52] Still, as reasonable people, we're likely to be *moved* by the airman's declaration. We'd have *some* inclination to help him put fuel in his airplane and wind up the propeller to help him seek out his death (if we were in a position to do those things). It's beside the point whether our opposition to suicide would prevent us from actually helping the airman to achieve his goal. Rather, the point is that we'd be *swayed*: we'd have *some* favorable response to the airman's reasons.

What, then, is so compelling about those reasons? Not their content. The airman's crucial reason – his "lonely impulse of delight," compared to which all else seems "waste of breath" – is mysterious to us.

What moves us, I submit, is our recognition of the airman himself as a forthright, capably reasoning person. His forthrightness is evident because of what he confesses ("Those that I fight I do not hate, / Those that I guard I do not love"). His capability

---

[51]W. B. Yeats, "An Irish Airman Foresees His Death," p. 135.

[52]Kant's own arguments against suicide are expressed in *The Metaphysics of Morals*. For a contemporary Kantian argument against decisions like the airman's, see J. David Velleman, "A Right to Self-Termination?"

as a reasoner is demonstrated by his shrewd understanding of consequences ("No likely end could bring . . . loss" to his countrymen, "or leave them happier than before"), as well as of his own motives ("Nor law, nor duty bade me fight, / Nor public men, nor cheering crowds"). It's the reasoner himself we respect, not the specific chain of reasoning, the crucial component of which is inaccessible to us.[53]

It may or may not be possible to accommodate these intuitions within a strictly Kantian moral system. But I do not think that that matters. The inclination to help the airman, whether or not we end up deciding to do so, seems to be a good one. It seems to be a respectful reaction to the airman's personhood, to his capability as a reasoner, though it is not a reaction to his reasons. It is an inclination to allow his reasons to influence us because they come from *him*, not because of what those reasons are. Kantians may or may not be able to make sense of this. If they cannot, then so much the worse for their attempts to systematize thinking about respect.

Reasonableness as a Virtue: Christian Considerations

Another argument for reasonableness can be extracted from the Christian Bible – specifically, from Paul's first letter to the Corinthians in the New Testament.[54] In the scenario in question, Paul gives advice regarding a dispute in the Corinthian church over whether it is all right for Christians to eat food that has been sacrificed

---

[53]Our reaction to the reasoner's forthrightness and capability suggests, also, that we don't merely empathize with him on the passionate level, as we might sympathize with the over-burdened art thief.

[54]Much of the discussion of the New Testament in this section is taken from my unpublished manuscript "Toleration at Bethel College," which I distributed to the president and trustees of that school (now Bethel University) in Mishawaka, Indiana, in 2015. Some of the material has been reworked, and some of it is quoted directly from the manuscript.

to idols. Even though the Council at Jerusalem has advised Christians to abstain from eating such food,[55] some of the Corinthians have not been abstaining. They think they know better than their fellow Christians because they think they know that the food is harmless. (That is, they consider themselves to have superior metaphysical knowledge of the food's supernatural properties.) Paul's criticism of these Corinthians is that their metaphysical knowledge isn't so important after all because they are neglecting the requirement to love. "We know that we all possess knowledge," Paul says. "Knowledge puffs up, but love builds up. The man who thinks he knows something does not yet know as he ought to know."[56] That is, Paul warns that having undo confidence in one's knowledge of the good can lead one to neglect important aspects of the good. In this case, the Corinthians' confidence in their metaphysical knowledge of the supernatural harmlessness of eating food consecrated to idols puts them in danger of neglecting the more important good of loving their fellow Christians who do not possess such knowledge. The commentator William Barclay explains:

> Nothing ought to be judged solely from the point of view of "knowledge"; everything ought to be judged from the point of view of love. The argument of the Corinthians who were more "advanced" in their thinking was that they "knew" better than to regard an idol as anything; their "knowledge" had taken them far past that. There is always a certain danger in "knowledge." It tends to make people arrogant and to make them feel superior and look down unsympathetically on those who are not as far "advanced" as themselves. "Knowledge" which does that is not true knowledge. But the consciousness of "intellectual superiority" is a dangerous thing. Our conduct should always be guided not by the thought of our own superior "knowledge," but by sympathetic and considerate love

---

[55]See Acts 15:28–29. All verses in this section are quoted from the *The Holy Bible: New International Version*.

[56]1 Corinthians 8:1–2.

for others. And it may well be that for their sake we must refrain from doing and saying certain otherwise legitimate things.[57]

The lesson that emerges is this. However correct a Christian's beliefs may be with respect to nature of the cosmos, they do not yet amount to *practical* knowledge – knowledge of how a Christian ought to live. Practical knowledge depends on love: on love of God, which invites His guidance; and on love of people, which helps Christians to understand and to care about them, and so guards Christians from needlessly aggrieving them. Those who fail to love cannot reliably make good decisions about what to do.

What, specifically, does love forbid? One thing Paul says Christians may not do is to "embolden" their fellow believers to violate their conscience. Paul says to the Corinthians: "If anyone with a weak conscience sees you who have this knowledge eating in an idol's temple, won't he be emboldened to eat what has been sacrificed to idols?"[58] Emboldening another to violate his conscience shows a deficiency of love for that person and for Christ: a weak Christian "for whom Christ died," Paul says, "is destroyed" through the weakening of his conscience.[59] Tempting a fellow Christian to violate his conscience is especially destructive because the erosion of conscience leads to further sin. "Therefore," Paul concludes, "if what I eat causes my brother to fall into sin, I will never eat meat again, so that I will not cause him to fall."[60]

---

[57]William Barclay, *The New Daily Study Bible: The Letters to the Corinthians*, p. 90. I have added scare quotes throughout the quotation.

[58]1 Corinthians 8:10.

[59]1 Corinthians 8:11.

[60]1 Corinthians 8:13. Jesus expresses a similar sentiment:

Things that cause people to sin are bound to come, but woe to that person through

One crucial point is that the sort of tempting that Paul condemns need not be performed by providing incentives such as rewards or punishments, but may be performed by conspicuously modeling behavior that, if others were to do it, would erode their conscience.

Virtuous treatment of others, then, goes beyond *political* action; it is a feature of everyday life. If it is good for us to encourage others to live morally, then it is good for us to model behavior which would be moral *by their own standards*. This, then, gives Christians reason to be swayed by the moral considerations that their neighbors would purport to them in good faith.

Of course, Paul is writing to Christians about how to treat other Christians. But there is good reason for Christians to extend reasonableness to non-Christians as well, at least if they believe that it is God's will that everyone be given the opportunity to receive salvation. The strengthening of moral resolve is a service of love that Christians can provide even to *potential* fellow believers who, as yet, are unconverted.

It's somewhat surprising that an argument for the claim that reasonableness is a virtue should be gleaned from the New Testament. It's very surprising, then, to find an even more straightforward argument for this claim in the Hebrew Bible or *Tanakh* (what Christians refer to as the Old Testament). The Hebrew Bible is commonly thought to exhibit less flexibility with respect to religious demands. And yet a reader who takes the Book of Ezekiel as authoritative has reason to embrace the same lesson that I have just attributed to the Apostle Paul.

---

whom they come. It would be better for him to be thrown into the sea with a millstone tied around his neck than for him to cause one of these little ones [i.e., young or inexperienced or weak fellow believers] to sin. (Luke 17:1–2)

Chapter 4 of the Book of Ezekiel recounts a memorable episode. The Lord commands Ezekiel, His prophet, to perform a startling sequence of acts. (Taken as a whole, the sequence is meant to constitute a prophesy that Jerusalem will be besieged.) First, Ezekiel is to lie on his left side for 390 days, "the same number of days as the years" of the Israelites' sin (verse 5). Then, he is to lie on his right side for forty days – again, "a day for each year" – in order to symbolize "the sin of the house of Judah" (verse 6). Although these commands already are terribly demanding, the Lord then tells Ezekiel: "I will tie you up with ropes so that you cannot turn from one side to the other until you have finished the days of your siege" (verse 8).

Although his mission promises to be excruciatingly painful, Ezekiel does not protest it. However, the Lord then commands Ezekiel to cook his food "in the sight of the people, using human excrement for fuel. . . . In this way the people of Israel will eat defiled food among the nations where I will drive them" (verses 12–13). Only at this point, having been commanded to violate the dietary restrictions of his religion, does Ezekiel demur. "Not so, Sovereign Lord!" he says. "I have never defiled myself. . . . No unclean meat has ever entered my mouth" (verse 14).

"Very well," the Lord relents, "I will let you bake your bread over cow manure instead of human excrement" (verse 15).

Three notable points arise from this exchange.

First, Ezekiel's objection is not prompted merely by his discomfort. This is evident because he refrains from objecting to the much more severe command to lie still for a total of 430 days. Rather, for Ezekiel, the objection is a matter of conscience. He is so strongly bound to his dietary convictions that he refuses to violate them

even though the LORD Himself has told him to do so.[61]

This account of what motivates Ezekiel's objection is in line with an interpretation of the passage due to Matthew Henry, the renowned Nonconformist biblical commentator of the early eighteenth century. Henry writes:

> The pollution of the soul by sin is what good people dread more than any thing; . . . [Ezekiel] doth not plead, "Lord, from my youth I have been brought up delicately and have never been used to any thing but what was clean and nice" . . . but that he had been brought up conscientiously, and had never eaten any thing that was forbidden by the law.[62]

Second, Ezekiel's appeal to the dietary restrictions is a mistake of moral rea-

---

[61]It's instructive to contrast Ezekiel's conscientious protest with the haughty protest of Naaman of Aram. When Elisha, the LORD's prophet, advises Naaman to wash in the River Jordan in order to be cured of leprosy, Naaman is indignant: "Are not Abana and Pharpar, the rivers of Damascus, better than any of the waters of Israel? Couldn't I wash in them and be cleansed?" (2 Kings 5:12). In this case, no divine concession is granted to the protester.
On the other hand, after Naaman does as Elisha says – and receives healing – he pleads:

> May the LORD forgive [me] for this one thing: When [the King of Aram] enters the temple of Rimmon to bow down and he is leaning on my arm and I bow there also – when I bow down in the temple of Rimmon, may the LORD forgive [me] for this. (2 Kings 5:18)

"Go in peace," Elisha tells him (verse 19).
Here, a concession is granted to Naaman. Is it a concession to his conscience? It's possible that Naaman intends to kneel to the god of Aram simply because he's afraid of displeasing his king. But it's also possible that Naaman identifies himself polytheistically, as a worshiper of the gods of his community *and* as a worshiper of the LORD, and that kneeling to Rimmon is at least a somewhat conscientious matter for him. In any case, Naaman is not offering reasons in *favor* of the course of action that he envisions. He regards that course of action as less than ideal. That is why he asks for forgiveness.
[62]All quotations of Matthew Henry are taken from his commentary, *An Exposition on the Old and New Testament*. The edition quoted in this dissertation lacks page numbers; however, it discusses scriptural passages in the order in which they occur in the Christian Bible, which should be enough to guide readers who wish to double-check Henry's text. Italics, where they occur in my quotations, are reproduced from Henry's text. I have added the quotation marks to indicate words spoken by the characters in the story.
I thank my father, Dave Erdel, for steering me toward this commentary and for discussing my interpretation of Ezekiel 4 with me.

soning. Presumably, he regards the LORD as the source of the dietary restrictions; therefore, he has reason to acknowledge the LORD's authority to command him to violate those restrictions. As Henry puts it, "Whatever God commands us, we may be sure, is good." However, Ezekiel rejects this particular divine command.

(Although Henry sympathizes with Ezekiel's motives, he does not agree with Ezekiel's judgment. He comments: "Sometimes tender consciences fear [pollution] without cause, and perplex themselves with scruples about lawful things."[63])

Third – and what is most remarkable – the LORD relents despite Ezekiel's mistaken reasoning. He responds to Ezekiel's sincere declaration of conscience by allowing Ezekiel to use a "non-defiling" cooking fuel. He accommodates Ezekiel's concerns even though He has every right to insist that Ezekiel eat (seemingly) defiling food.

Once these three points are noted, we can see that the LORD's concession to Ezekiel's protest is not based on considerations arising from any "burden of judgment" upon Ezekiel. That is, whether or not the LORD could provide an adequate justification to Ezekiel is not what settles His final decision about what command to issue. For, in this case, Ezekiel *does* have, or could easily be given, access to reasons that decisively count toward accepting what the LORD has initially commanded. (If Ezekiel doesn't initially see that the LORD has the authority to issue commands that override the dietary restrictions that he has always accepted, then the LORD could

---

[63]According to Henry, Ezekiel "had not yet learned" the New Testament lesson "that it is not that which *goes into the mouth that defiles the man*." (From the New Testament, Henry cites Matthew 15:11.) Jewish readers can't be expected to interpret the Ezekiel 4 in the light of the New Testament, as Henry does. But this need not prevent them from concluding that Ezekiel is mistaken about whether following the dietary restrictions is more important than following the command that God has put to him directly.

easily point this out to him.)

Thus, justificatory conceptions of reasonableness are not supported by this story. The Lord seems to treat Ezekiel's purported reasons as important because Ezekiel conscientiously *identifies* with them, not because Ezekiel can't be made to justifiably believe the Lord's reasons. The upshot is that the Lord treats Ezekiel in accordance with the conception of reasonableness defended in this dissertation.

If the Lord is a moral exemplar, as many in the Judeo-Christian tradition take Him to be, then a moral lesson can be inferred from this story. Henry puts it as follows:

> Those who have power in their hands should not be rigorous in pressing their commands upon those that are dissatisfied concerning them, yea, though their dissatisfactions be groundless or arising from education and long usage, but should recede from them rather than grieve or offend the weak, or put a stumbling-block before them, in conformity to the example of God's condescension to Ezekiel, though we are sure his authority is incontestable and all his commands are wise and good.

I accept Henry's interpretation of the passage, though I would qualify it in three ways. Firstly, Henry reiterates the New Testament theme of not "grieving" other people or causing them to "stumble" by encouraging them to go against what they uphold as a matter of conscience. Some readers of Ezekiel 4 may not agree with this New Testament emphasis. However, they should agree that the story illustrates that it is virtuous to accommodate others' scruples (even if these readers reject the New Testament's *explanation* of this teaching).

Secondly, Henry formulates the story's lesson as an imperative. He says that when those who have power to influence the outcome of a dispute are confronted by others who conscientiously disagree with them, they *should* "recede" from their own

195

moral positions; that is, they *should* "not be rigorous" in overriding others' considerations of conscience. I hesitate to follow Henry in inferring an imperative lesson. Still, I agree with Henry that the story implies that it's at least *virtuous* to imitate God's treatment of Ezekiel by not "rigorously" overriding the purported reasons that other parties offer in good faith (even if, like Ezekiel, these parties are clearly mistaken).

Lastly, as I understand this story, the Lord's "receding" – His "not [being] rigorous" to override Ezekiel's considerations of conscience – amounts to His giving these purported reasons substantial influence upon His own deliberating. The Lord does not *put aside* His own perspective on how it is best to perform the task at hand; rather, He allows Ezekiel's mistaken considerations of conscience to be taken together with His own perspective, and to influence – indeed, in this case, to determine – the final decision.[64]

The lesson, then, is that since the Lord exhibits reasonableness as I conceive it in His treatment of Ezekiel, and since the Lord is a moral exemplar, reasonableness as I conceive it is a moral virtue (though we should be careful not to automatically draw any conclusions about what *should* be done in other cases). Or, at least, this is what this biblical passage suggests.

The Book of Ezekiel is the oldest source on reasonableness that I have examined.[65] It may well have been written before the idea that reasonableness is a virtue became a part of ordinary thinking. The passage upon which I've focused never uses

---

[64]The Lord doesn't *always* allow others' mistaken considerations of conscience to determine His final decision. Sometimes, others' mistakes, though offered forthrightly, are so grave that the Lord does not accommodate them. See, for example, the story of the Lord's dealings with the prophets of Baal through His prophet Elijah (1 Kings 18:16–40).

[65]It is generally thought to have been composed during the period of Jewish exile in Babylon in the early sixth century BCE.

the terms "reasonable" or "unreasonable." Still, the Lord's behavior, as described in that passage, suggests that a certain kind of behavior is good to do; and enough can be inferred about the motivations that underlie that behavior for us to categorize it as reasonable, as I've been conceiving reasonableness.

Reasonableness as a Virtue: Islamic Considerations

I am much less familiar with Islam than with Christianity. Thus, I'm unable to provide an argument for reasonableness by engaging with Islamic teachings with the same attention to detail as in the previous section. So my suggestions here are very tentative.[66]

According to one historically prominent Islamic line of thought, people are not credited for doing righteous actions unless they choose those actions freely. Muslims who believe this oppose Islamic absolutism. They reason that if a government were to adopt Islamic law as the sole politically enforceable conception of acceptable conduct, then its subjects would be deprived of the option of *freely* behaving in accordance with that law. Devout Muslims' behavior therefore wouldn't be credited to them as righteous, and Muslims would be deprived of the benefits of righteousness.[67] As an institution with the goal of promoting the religious fulfillment of individuals, then, Islamic absolutism would be self-defeating.

This is not an argument for full-blooded reasonableness. But it is an Islamic argument for *tolerating* non-Muslims. And, in many cases, tolerating morally motivated

---

[66]Eman Alkotob kindly discussed this topic with me. Of course, any interpretive mistakes exhibited in this section are entirely my own fault.

[67]See Abdullahi A. An-Naʿim, *Islam and the Secular State* and "Islamic Politics and the Neutral State."

behavior is as much as reasonable people (Muslims or non-Muslims) will be prepared to do for others whom they consider to have fallen into serious moral error. So, in many cases, the Islamic argument and considerations of full-blooded reasonableness will deliver the same practical result.

We also must consider whether there are Islamic reasons for tolerating *Muslims* of various theological and moral persuasions. The Koran says that "God does not charge a soul with more than it can bear," and it offers to God this prayer: "Do not be angry with us if we forget or lapse into error."[68] Elsewhere, the Koran reassures the faithful: "Your unintentional mistakes shall be forgiven, but not your deliberate errors."[69] It seems, then, that theological mistakes that the faithful commit unintentionally, due to burdens of judgment, are tolerable.

As I have said, however, toleration is not reasonableness, even if both virtues deliver much the same practical result.[70] Unfortunately, this is as far as I have been able to develop a case for reasonableness on the basis of the teachings of this particular global religion. This may provoke doubt about my claim that reasonableness is an ordinary virtue. Perhaps reasonableness is culturally narrow, after all. I would be delighted to be made aware of more evidence to the contrary.

---

[68]"The Cow" (al-Baquarrah) 2:286 (p. 42 in the edition listed in this dissertation's bibliography).

[69]"The Confederate Tribes" (al-Ahzāb) 33:5 (p. 293). It should be noted that this reassurance is offered in a specific context, in which directions are provided for the treatment of adopted sons whose fathers are unknown. It may be questioned whether forgiveness extends to other contexts in which the faithful unintentionally err – such as the context of doing theology. But it is at least *prima facie* plausible to think so.

[70]It is worth recalling, also, that the millet system was developed in its most sophisticated, extensive form under Islamic rule.

BIBLIOGRAPHY

Robert Merrihew Adams, *A Theory of Virtue: Excellence in Being* for *the Good*. Oxford, U.K.: Oxford Univ. Press, 2006.

Abdullahi A. An-Naʿim, *Islam and the Secular State: Negotiating the Future of Shariʿa*. Cambridge, Mass.: Harvard Univ. Press, 2008.

Abdullahi A. An-Naʿim, "Islamic Politics and the Neutral State: A Friendly Amendment to Rawls?" In Bailey and Gentile's *Rawls and Religion* (2015), pp. 242–265.

Elizabeth Anderson, *The Imperative of Integration*. Princeton N.J.: Princeton Univ. Press, 2010.

Aristotle, *The Nicomachean Ethics*. Translated by David Ross and edited by Lesley Brown. Oxford, U.K.: Oxford Univ. Press, 2009.

Aristotle, *Politics*. Translated by Ernest Barker and edited by R. F. Stalley. Oxford, U.K.: Oxford Univ. Press, 1995.

Richard J. Arneson, "The Priority of the Right over the Good Rides Again." *Ethics*, vol. 108 (1997), pp. 169–196.

Alfred Julius Ayer, *Language, Truth and Logic*, second edition. Reprinted in New York, N.Y.: Dover, 1952. (Second edition originally published in 1946.)

Tom Bailey and Valentina Gentile, editors, *Rawls and Religion*. New York, N.Y.: Columbia Univ. Press, 2015.

William Barclay, *The New Daily Study Bible: The Letters to the Corinthians*, third edition. Louisville, Ky.: Westminster John Knox Press, 2002.

Brian Barry, "John Rawls and the Search for Stability." *Ethics*, vol. 105 (1995), pp. 874–915.

Brian Barry, *Justice as Impartiality*. Oxford, U.K.: Clarendon Press, 1995.

Michael Bloch, Larry Buchanan, Josh Katz, and Kevin Quealy, "An Extremely Detailed Map of the 2016 Election." *The New York Times*, 25 July 2018, https://www.nytimes.com/interactive/2018/upshot/election-2016-voting-precinct-maps.html.

Paul Bloom, *Against Empathy: The Case for Rational Compassion*. New York, N.Y.: Ecco, 2016.

David Boonin, *A Defense of Abortion*. Cambridge, U.K.: Cambridge Univ. Press, 2003.

Joseph Butler, *Fifteen Sermons Preached at the Rolls Chapel*, second edition. Reprinted in Butler's *Fifteen Sermons & Other Writings on Ethics*, edited by David McNaughton (Oxford, U.K.: Oxford Univ. Press, 2017), pp. 1–134. (Second edition originally published in 1729.)

Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times*. Princeton, N.J.: Princeton Univ. Press, 2014.

Joseph Chan, "Legitimacy, Unanimity, and Perfectionism." *Philosophy & Public Affairs*, vol. 29 (2000), pp. 5–42.

Roderick Chisholm, *The Problem of the Criterion*. Milwaukee, Wis.: Marquette Univ. Press, 1973.

Roderick Chisholm, *Theory of Knowledge*, second edition. Englewood Cliffs, N.J.: Prentice-Hall, 1977.

Thomas Christiano and John Christman, editors, *Contemporary Debates in Political Philosophy*. Malden, Mass.: Blackwell, 2009.

G. A. Cohen, *Why Not Socialism?* Princeton, N.J.: Princeton Univ. Press, 2009.

Jonathan Dancy, *Ethics without Principles*. Oxford, U.K.: Oxford Univ. Press, 2004.

Brian Dannelly, director, *Saved!* 92 minutes. Santa Monica, Calif.: Metro-Goldwyn-Mayer, 2004.

W. E. B. Du Bois, *The Souls of Black Folk*. Reprinted in Mineola, N.Y.: Dover, 1994. (Originally published in 1903.)

Ronald Dworkin, *Is Democracy Possible Here? Principles for a New Political Order*. Princeton, N.J.: Princeton Univ. Press, 2006.

Christopher J. Eberle, *Religious Conviction in Liberal Politics*. Cambridge, U.K.: Cambridge Univ. Press, 2002.

William A. Edmundson, *John Rawls: Reticent Socialist.* Cambridge, U.K.: Cambridge Univ. Press, 2017.

John-Paul Erdel, "Toleration at Bethel College." Unpublished manuscript, 2015.

Stanley Fish, "Why We Can't All Just Get Along." *First Things*, vol. 60 (1996), pp. 18–26.

Gerald F. Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory*. New York, N.Y.: Oxford Univ. Press, 2006.

Gerald F. Gaus, "Liberal Neutrality: A Compelling and Radical Principle." In Wall and Klosko's *Perfectionism and Neutrality* (2003), pp. 137–165.

Gerald F. Gaus, "The Moral Foundations of Liberal Neutrality." In Christiano and Christman's *Contemporary Debates in Political Philosophy* (2009), pp. 81–117.

Gerald F. Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. Cambridge, U.K.: Cambridge Univ. Press, 2011.

Gerald F. Gaus, *Political Concepts and Political Theories*. Boulder, Colo.: Westview Press, 2000.

Gerald F. Gaus, "Public Reason Liberalism." In Steven Wall, editor, *The Cambridge Companion to Liberalism* (Cambridge, U.K.: Cambridge Univ. Press, 2015), pp. 112–140.

Gerald F. Gaus, *Value and Justification: The Foundations of Liberal Theory*. Cambridge, U.K.: Cambridge Univ. Press, 1990.

Gerald F. Gaus and Chad Van Schoelandt, "Consensus on What? Convergence for What? Four Models of Political Liberalism." *Ethics*, vol. 128 (2017), pp. 145–172.

Margaret Gilbert, *Joint Commitment: How We Make the Social World*. Oxford, U.K.: Oxford Univ. Press, 2014.

Margaret Gilbert, *Living Together: Rationality, Sociality, & Obligation*. Lanham, Md.: Rowman & Littlefield, 1996.

Margaret Gilbert, *On Social Facts*. London, U.K.: Routledge, 1989.

Margaret Gilbert, *Sociality and Responsibility: New Essays in Plural Subject Theory*. Lanham, Md.: Rowman & Littlefield, 2000.

Margaret Gilbert, *A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society*. Oxford, U.K.: Oxford Univ. Press, 2006.

Robert E. Goodin and Philip Pettit, editors. *A Companion to Contemporary Political Philosophy*. Malden, Mass.: Blackwell, 1993.

Matthew Henry, *An Exposition on the Old and New Testament: In Five Volumes*, fifth edition, vol. 3. London, U.K.: Knapton, Fuller, Buckland, Strahan, Rivington, Horsfield, Johnston, Keith, Longman, Field, Rivington, Fuller, Dilly, Griffiths, Henderson, Ware, and Ware, 1763.

Barbara Herman, "On the Value of Acting from the Motive of Duty." *The Philosophical Review*, vol. 90 (1981), pp. 359–382.

Christopher Hitchens, *The Missionary Position: Mother Teresa in Theory and Practice*. London, U.K.: Verso, 1995.

Thomas Hobbes, *Leviathan*. Edwin Curley, editor and translator. Indianapolis, Ind.: Hackett, 1994. (Originally published in 1651 and including selected variants from the Latin edition of 1668.)

The Holy Bible: New International Version. Grand Rapids, Mich.: Zondervan, 1984.

Michael Huemer, *The Problem of Political Authority*. New York, N.Y.: Palgrave Macmillan, 2013.

David Hume, *An Enquiry concerning the Principles of Morals*. Edited by Tom L. Beauchamp. Oxford, U.K.: Oxford Univ. Press, 1998. (Originally published in 1751.)

Thomas Hurka, *British Ethical Theorists from Sidgwick to Ewing*. Oxford, U.K.: Oxford Univ. Press, 2014.

Thomas Hurka, *Perfectionism*. Oxford, U.K.: Oxford Univ. Press, 1993.

Thomas Hurka, "Virtuous Act, Virtuous Disposition." Reprinted in Hurka's *Drawing Morals: Essays in Ethical Theory* (Oxford, U.K.: Oxford Univ. Press, 2011), pp. 178–184. (Originally published in 2006.)

Rosalind Hursthouse, *On Virtue Ethics*. Oxford, U.K.: Oxford Univ. Press, 1999.

Rosalind Hursthouse, "Virtue Theory and Abortion." *Philosophy & Public Affairs*, vol. 20 (1991), pp. 223–246.

Michael Ignatieff, *The Ordinary Virtues: Moral Order in a Divided World*. Cambridge, Mass.: Harvard Univ. Press, 2017.

Shirley Jackson, "The Lottery." Reprinted in Jackson's *The Lottery and Other Stories* (New York, N.Y.: Farrar, Straus and Company, 1949), pp. 291–302. (Originally published in 1948.)

King James II of England, *His Majesty's Gracious Declaration to All His Loving Subjects for Liberty of Conscience*. Reprinted in T. B. Howell, compiler, *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors from the Earliest Period to the Year 1783*, vol. 12 (London, U.K.: Longman, Hurst, Reese, Orme, and Brown, 1816), pp. 234–236. (Originally delivered in 1687.)

Richard Joyce, *The Myth of Morality*. Cambridge, U.K.: Cambridge Univ. Press, 2001.

Immanuel Kant, *The Metaphysics of Morals*. Reprinted in Kant's *Practical Philosophy*, translated and edited by Mary J. Gregor (Cambridge, U.K.: Cambridge Univ. Press, 1996), pp. 353–604. (Originally published in 1797.)

Newton Key and Robert Bucholz, editors, *Sources and Debates in English History, 1485–1783*, second edition. Malden, Mass.: Wiley-Blackwell, 2009.

The Koran, revised edition. Translated by N. J. Dawood. London, U.K.: Penguin, 1999.

Richard Kraut, *Aristotle: Political Philosophy*. Oxford, U.K.: Oxford Univ. Press, 2002.

Will Kymlicka, "Two Models of Pluralism and Tolerance." *Analyse & Kritik*, vol. 13 (1992), pp. 33–56.

Anthony Simon Laden, "The House that Jack Built: Thirty Years of Reading Rawls." *Ethics*, vol. 113 (2003), pp. 367–390.

Anthony Simon Laden, *Reasonably Radical: Deliberative Liberalism and the Politics of Identity*. Ithaca, N.Y.: Cornell Univ. Press, 2001.

Jonathan Law, editor, *Oxford Dictionary of Law*, eighth edition. Oxford, U.K: Oxford Univ. Press, 2015.

C. S. Lewis, *Mere Christianity*. Reprinted in Lewis's *The C. S. Lewis Signature Classics* (New York, N.Y.: HarperCollins, 2017), pp. 1–177. (Originally published in 1952.)

Simon Leys, "An Empire of Ugliness." Reprinted in Leys's *The Hall of Uselessness: Collected Essays* (New York, N.Y.: New York Review of Books, 2013), pp. 31–42. (Originally published in 1997.)

John Locke, *A Letter concerning Toleration*. Translated by Michael Silverthorne. Reprinted in Vernon's *Locke on Toleration* (2010), pp. 3–46. (Originally published in 1689.)

John Locke, *The Reasonableness of Christianity, as Delivered in the Scriptures*. Reprinted in Locke's *John Locke: Writings on Religion*, edited by Victor Nuovo (Oxford, U.K.: Oxford Univ. Press, 2002), pp. 91–210. (Originally published in 1695.)

John Locke, *A Second Letter concerning Toleration*. Reprinted in Vernon's *Locke on Toleration* (2010), pp. 67–107. (Originally published in 1690.)

Sid Lowe, "I'm a Romantic, Says Xavi, Heartbeat of Barcelona and Spain." *The Guardian*, 11 Feburary 2011, https://www.theguardian.com/football/2011/feb/11/xavi-barcelona-spain-interview.

Sid Lowe, "Xabi Alonso: 'Spain Benefited from Players Going to England.'" *The Guardian*, 11 November 2011, https://www.theguardian.com/football/2011/nov/11/xabi-alonso-spain-england-interview.

Stephen Macedo, "In Defense of Liberal Public Reason: Are Slavery and Abortion Hard Cases?" *American Journal of Jurisprudence*, vol. 42 (1997), pp. 1–29.

Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism*. Oxford, U.K.: Clarendon Press, 1990.

Alasdair MacIntyre, *After Virtue*. Notre Dame, Ind.: Univ. of Notre Dame Press, 1981.

Alasdair MacIntyre, *Whose Justice? Which Rationality?* Notre Dame, Ind.: Univ. of Notre Dame Press, 1988.

J. L. Mackie, *Ethics: Inventing Right and Wrong*. Harmondsworth, U.K.: Penguin, 1977.

Don Marquis, "Why Abortion Is Immoral." *The Journal of Philosophy*, vol. 86 (1989), pp. 183–202.

John McDowell, "Might There Be External Reasons?" In J. E. A. Altham and Ross Harrison, editors, *World, Mind, and Ethics: Essays on the Ethical Philosophy of Bernard Williams* (Cambridge, U.K.: Cambridge Univ. Press), pp. 68–85.

Jeff McMahan, "The Moral Problem of Predation." In Andrew Chignell, Terence Cuneo, and Matthew C. Halteman, editors, *Philosophy Comes to Dinner: Arguments*

about the Ethics of Eating (New York, N.Y.: Routledge, 2016), pp. 268–293.

Christopher McMahon, "Rawls, Reciprocity, and the Barely Reasonable." *Utilitas*, vol. 26 (2014), pp. 1–22.

Christopher McMahon, *Reasonable Disagreement: A Theory of Political Morality*. Cambridge, U.K.: Cambridge Univ. Press, 2009.

Christopher McMahon, *Reasonableness and Fairness: A Historical Theory*. Cambridge, U.K.: Cambridge Univ. Press, 2016.

Merriam-Webster (online dictionary), https://www.merriam-webster.com/.

John Stuart Mill, *On Liberty*. Reprinted in Reprinted in Mill's *On Liberty and Other Essays* (1991), pp. 1–128. (Originally published in 1859.)

John Stuart Mill, *On Liberty and Other Essays*, 1991. Edited by John Gray. Oxford, U.K.: Oxford Univ. Press.

John Stuart Mill, *Utilitarianism*. Reprinted in Mill's *On Liberty and Other Essays* (1991), pp. 129–201. (Originally published in 1861.)

Elijah Millgram, "Practical Reasoning: The Current State of Play." In Millgram's edited volume, *Varieties of Practical Reasoning* (Cambridge, Mass.: The MIT Press, 2001), pp. 1–26.

Margaret Moore, "On Reasonableness." *Journal of Applied Philosophy*, vol. 13 (1996), pp. 167–178.

Stephen Mulhall and Adam Swift, "Rawls and Communitarianism." In Samuel Freeman, editor, *The Cambridge Companion to Rawls* (Cambridge, U.K.: Cambridge Univ. Press, 2003), pp. 460–487.

Thomas Nagel, "Moral Luck." Reprinted in Nagel's *Mortal Questions* (Cambridge, U.K.: Cambridge Univ. Press, 1979), pp. 24–38. (Originally published in 1976.)

Thomas Nagel, *The View from Nowhere*. New York, N.Y.: Oxford Univ. Press, 1989.

Patrick Neal, "The Liberal State and the Religious Citizen: Justificatory Perspectives in Political Liberalism." In Bailey and Gentile's *Rawls and Religion* (2015), pp. 133–151.

Alastair Norcross, "Reasons Without Demands: Rethinking Rightness." In James

Dreier, editor, *Contemporary Debates in Moral Theory* (Malden, Mass.: Blackwell, 2006), pp. 38–53.

Flannery O'Connor, "A Good Man Is Hard to Find." Reprinted in O'Connor's *The Complete Stories* (New York, N.Y.: Farrar, Straus and Giroux, 1971), pp. 117–133. (Originally published in 1953.)

Derek Parfit, "Justifiability to Each Person." *Ratio*, vol. 16 (2003), pp. 368–390.

Steve Pincus, *1688: The First Modern Revolution*. New Haven, Conn.: Yale Univ. Press, 2009.

Plato, *Republic*. Translated by Robin Waterfield. Oxford, U.K.: Oxford Univ. Press, 1993.

Thomas Pogge, *John Rawls: His Life and Theory of Justice*. Translated by Michelle Kosch. Oxford, U.K.: Oxford Univ. Press, 2007.

H. A. Prichard, "Letter from Prichard to Ross." In Prichard's *Moral Writings*, edited by Jim MacAdam (Oxford, U.K.: Oxford Univ. Press, 2002), pp. 287–288. (Original written in 1932.)

Jonas Proast, *A Third Letter concerning Toleration in Defence of the Argument of the Letter concerning Toleration, Briefly Considered and Answered*. Reprinted in Vernon's *Locke on Toleration* (2010), pp. 108–122. (Originally published in 1691.)

Anthony Quinton, "Conservatism." In Goodin and Pettit's *A Companion to Contemporary Political Philosophy* (1993), pp. 244–268.

Peter Railton, "Alienation, Consequentialism, and the Demands of Morality." Reprinted in Railton's *Facts, Values, and Norms* (2003), pp. 151–186. (Originally published in 1984.)

Peter Railton, *Facts, Values, and Norms: Essays toward a Morality of Consequence*. Cambridge, U.K.: Cambridge Univ. Press, 2003.

Peter Railton, "How Thinking about Character and Utilitarianism Might Lead to Rethinking the Character of Utilitarianism." Reprinted in Railton's *Facts, Values, and Norms* (2003), pp. 226–248. (Originally published in 1988.)

John Rawls, *Collected Papers*. Edited by Samuel Freeman. Cambridge, Mass.: Harvard Univ. Press, 1999.

John Rawls, "The Idea of an Overlapping Consensus." Reprinted in Rawls's *Collected Papers* (1999), pp. 421–448. (Originally published in 1987.)

John Rawls, "The Idea of Public Reason Revisited." Reprinted in Rawls's *Collected Papers* (1999), pp. 573–615. (Originally published in 1997.)

John Rawls, *Justice as Fairness: A Restatement*. Cambridge, Mass.: Harvard Univ. Press, 2001.

John Rawls, *The Law of Peoples*. Cambridge, Mass.: Harvard Univ. Press, 1999.

John Rawls, *Political Liberalism*, expanded edition. New York, N.Y.: Columbia Univ. Press, 2005.

John Rawls, *A Theory of Justice*, revised edition. Cambridge, Mass.: The Belknap Press, 1999.

Joseph Raz, "Disagreement in Politics." *American Journal of Jurisprudence*, vol. 43 (1998), pp. 25–52.

Joseph Raz, *The Morality of Freedom*. Oxford, U.K.: Oxford Univ. press, 1986.

William H. Riker, "Federalism." In Goodin and Pettit's *A Companion to Contemporary Political Philosophy* (1993), pp. 508–514.

William H. Riker, *Federalism: Origin, Operation, Significance*. Boston, Mass.: Little, Brown, 1964.

William H. Riker, *Liberalism Against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice*. San Francisco, Calif.: W. II. Freeman, 1982.

David Ross, *The Right and the Good*. Edited by Philip Straton-Lake. Oxford, U.K.: Oxford Univ. Press, 2002. (Originally published in 1930.)

Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy*. Cambridge, Mass.: The Belknap Press, 1996.

T. M. Scanlon, "Contractualism and Utilitarianism." In Amartya Sen and Bernard Williams, editors, *Utilitarianism and Beyond* (Cambridge, U.K.: Cambridge Univ. Press, 1982), pp. 103–128.

T. M. Scanlon, *What We Owe to Each Other*. Cambridge, Mass.: Harvard Univ. Press,

1998.

David Schmidtz, *Elements of Justice*. Cambridge, U.K.: Cambridge Univ. Press, 2006.

George Sher, *Beyond Neutrality: Perfectionism and Politics*. Cambridge, U.K.: Cambridge Univ. Press, 1997.

W. M. Sibley, "The Rational Versus the Reasonable." *The Philosophical Review*, vol. 62 (1953), pp. 554–560.

A. John Simmons, "Justification and Legitimacy." Reprinted in Simmons's *Justification and Legitimacy: Essays on Rights and Obligations* (Cambridge, U.K.: Cambridge Univ. Press, 2001), pp. 122–157. (Originally published in 1999.)

A. John Simmons, *Moral Principles and Political Obligations*. Princeton, N.J.: Princeton Univ. Press, 1979.

A. John Simmons, "Philosophical Anarchism." Reprinted in Simmons's *Justification and Legitimacy* (2001), pp. 102–121. (Originally published in 1996.)

Peter Singer, "Famine, Affluence, and Morality." *Philosophy & Public Affairs*, vol. 1 (1972), pp. 229–243.

Peter Singer, *One World Now: The Ethics of Globalization*. New Haven, Conn.: Yale Univ. Press, 2016.

Scott Sowerby, *Making Toleration: The Repealers and the Glorious Revolution*. Cambridge, Mass.: Harvard Univ. Press, 2013.

Scott Sowerby, "Of Different Complexions: Religious Diversity and National Identity in James II's Toleration Campaign." *English Historical Review*, vol. 124 (2009), pp. 29–52.

Alfred Stepan, "Federalism and Democracy: Beyond the U.S. Model." Reprinted in Dimitrios Karmis and Wayne Norman, editors, *Theories of Federalism: A Reader* (New York, N.Y.: Palgrave Macmillan, 2005), pp. 255–268. (Originally published in 1999.)

P. F. Strawson, *Individuals: An Essay in Descriptive Metaphysics*. London, U.K.: Methuen, 1959.

Amia Srinavasan, "Questions for Free-Market Moralists." *The New York Times Opinionator*, 20 October 2013, https://opinionator.blogs.nytimes.com/2013/10/20/

questions-for-free-market-moralists/.

Jason Stanley, *How Propaganda Works*. Princeton, N.J.: Princeton Univ. Press, 2015.

Anna Stilz, review of *Boundaries of Authority*. *Notre Dame Philosophical Reviews*, 10 December 2016, http://ndpr.nd.edu/news/boundaries-of-authority/.

Richard Swinburne, *Revelation: From Metaphor to Analogy*, second edition. Oxford, U.K.: Oxford Univ. Press, 2007.

Peter van Inwagen, "The Magnitude, Duration, and Distribution of Evil: A Theodicy." *Philosophical Topics*, vol. 16 (1988), pp. 161–187.

J. David Velleman, "A Right to Self-Termination?" *Ethics*, vol. 109 (1999), pp. 606–628.

Richard Vernon, editor, *Locke on Toleration*. Cambridge, U.K.: Cambridge Univ. Press, 2010.

Jeremy Waldron, "Constitutionalism – A Skeptical View." In Christiano and Christman's *Contemporary Debates in Political Philosophy* (2009), pp. 267–282.

Jeremy Waldron, "Who Is My Neighbor?: Humanity and Proximity." *The Monist*, vol. 86 (2003), pp. 333–354.

Steven Wall, *Liberalism, Perfectionism, and Restraint*. Cambridge, U.K.: Cambridge Univ. Press, 1998.

Steven Wall and George Klosko, "Introduction." In Wall and Klosko's *Perfectionism and Neutrality* (2003), pp. 1–27.

Steven Wall and George Klosko, editors, *Perfectionism and Neutrality: Essays in Liberal Theory*. Lanham, Md.: Rowman & Littlefield, 2003.

Max Weber, *The Theory of Social and Economic Organization*. Translated by A. M. Henderson and Talcott Parsons and edited by Talcott Parsons. New York, N.Y.: The Free Press, 1947.

Paul Weithman, *Why Political Liberalism? On John Rawls's Political Turn*. Oxford, U.K.: Oxford Univ. Press, 2010.

Bernard Williams, "Internal and External Reasons." Reprinted in Williams's *Moral Luck* (1981), pp. 101–113. (Originally published in 1980.)

Bernard Williams, "Moral Luck." Reprinted in Williams's *Moral Luck* (1981), pp. 20–39. (Originally published in 1976.)

Bernard Williams, *Moral Luck*. Cambridge, U.K.: Cambridge Univ. Press, 1981.

Ludwig Wittgenstein, *Philosophical Investigations*, third edition. Translated by G. E. M. Anscombe. New York, N.Y.: Macmillan, 1958.

Susan Wolf, "Moral Saints." *The Journal of Philosophy*, vol. 79 (1982), pp. 419–439.

Robert Paul Wolff, *In Defense of Anarchism*. New York, N.Y.: Harper & Row, 1970.

W. B. Yeats, "An Irish Airman Foresees His Death." Reprinted in Yeats's *The Collected Poems of W. B. Yeats*, revised second edition, edited by Richard J. Finneran (New York, N.Y.: Scribner, 1996), p. 135. (Originally published in 1919.)

John Howard Yoder, *The Politics of Jesus*, second edition. Grand Rapids, Mich.: Wm. B. Eerdmans Publishing Company, 1994.

Linda Trinkaus Zagzebski, *Exemplarist Moral Theory*. Oxford, U.K.: Oxford Univ. Press, 2017.