

Introduction

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

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

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

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

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

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

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

Introduction

3

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

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

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

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

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

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

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

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

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

Introduction

5

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

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

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

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

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

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

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

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

CHAPTER I

The structure of reasonable disagreement

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

THE PROBLEM

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

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

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

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

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

The structure of reasonable disagreement

9

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

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

DISAGREEMENT ABOUT MATTERS OF EMPIRICAL FACT

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

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

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

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

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