

Introduction

Gerald (“Jerry”) Gaus was a distinguished political philosopher who died unexpectedly in August of 2020. Indeed, he died within days of finishing his final book, *The Open Society and Its Complexities*. The book adds further depth to Gaus’s corpus, which has received increasing attention over the last twenty years. Awareness grew quickly after Gaus published his magnum opus, *The Order of Public Reason*, in 2011.

However, Gaus’s five monographs – *Value and Justification* (Cambridge University Press, 1990), *Justificatory Liberalism* (Oxford University Press, 1996), *The Order of Public Reason* (Cambridge University Press, 2011), *The Tyranny of the Ideal* (Princeton University Press, 2016), and *The Open Society and Its Complexities* (Oxford University Press, 2021) — can be demanding reads. First, they are thoroughly interdisciplinary. Readers cannot fully appreciate these works without familiarity with other fields, such as epistemology, moral psychology, social choice theory, game theory, evolutionary theory, and complexity theory. Second, Gaus makes sustained arguments across each volume. Unlike many works of philosophy, one cannot fully appreciate the chapters separately.

Hence the need for this volume. Tackling a Gaus essay is easier than engaging an entire treatise, as one can read the essays independently. We also need the book because Gaus published generously, writing for any venue that invited him. His pieces are often locked away in old edited volumes and paywalled journals, but now people can find the best of them in one place. Further, the book should aid younger philosophers and social theorists who value Gaus’s work. Gaus invested enormous time and energy in his students, both at the graduate and undergraduate levels. He also developed new curricula and academic degrees and wrote several textbooks. These investments paid dividends, influencing young scholars with long and fruitful careers ahead of them.

In this introduction, I explain Gaus’s philosophical project. I then review the content of each essay, organized around Gaussian themes.

I. Gaus's Project

We can understand Gaus's philosophical project with a passage that he may have intended to place in his final essay, "Philosophical Fables."

For much of my career I have developed an account of how people who deeply disagree about the basis of normativity and have serious disagreements about what is right and wrong, can nevertheless converge on common social-moral rules for cooperative living. The core idea is "convergent normativity": while we disagree on many of the grand issues of morality we can, in the interests of achieving a cooperative order based on relations of mutual moral accountability, reconcile on common rules that each of us, for her own reasons, endorses. This tale draws on empirical literature concerning moral psychology, norms, social cooperation, punishment and practice(s) of accountability.

For Gaus, political philosophy is a *reconciliation project* focused on resolving conflict between diverse persons without minimizing their differences.

Gaus hoped that diverse people could maintain cooperative relationships despite forceful challenges: Large and powerful states threaten us with coercion, harm, and death. Members of free societies disagree ever more frequently. And our institutions are now so complex that we barely understand them. How can we preserve our relationships with others when we live under coercive threat, when we share few common values, and when we cannot grasp how we are governed?

What's more, we often give in to the natural temptation to reason only from our own point of view and impose our values and commitments on others. We thereby imbue our lives with stunted relationships, brow-beating, coercion, moral dogmatism, authoritarianism, ignorance and tyranny, and failed reconciliation and self-governance.

Human beings can only address these institutional and psychological threats if we can all accept the moral and legal rules we use to direct one another's behavior. If our social rules are justified to each person's reason, we will limit the state's power in order to protect our freedom and equality. We will overcome the challenge of pluralism because we have common rules to govern our behavior, even though our values differ. And we can manage complex institutions more effectively when we mutually accept their terms.

We neutralize the psychological threats to moral relations if we abide by mutually acceptable rules and hold others to them. A jointly chosen social morality ensures that our moral demands are neither brow-beating nor

authoritarian. Such a public moral code spurs free ethical inquiry because we may pursue our own experiments in living.

Gaus calls “convergent normativity” *public justification*. But, unlike most philosophers working in this field, Gaus does not equate public justification with public deliberation or an actual public agreement. Gaus uses models of deliberation and agreement as heuristics to uncover moral rules and laws that each of us has reason to endorse, even if she does not actually endorse them. Gaus thinks that if we have reasons to abide by these laws and moral rules, even diverse and conflicting reasons, the rules can reconcile us. Indeed, the rules can reconcile us even if they are not ideal from our perspectives.

Gaus grew more impressed by diverse reasoning in free societies throughout his career. He self-consciously developed his account of public justification to accommodate diversity. His approach thus contrasted with the political liberalism of John Rawls. Rawls thought public justifications consist of reasons derived from shared values. Gaus thought that Rawls misrepresented the reasoning of real persons. Homogenizing models of public reasoning cannot reconcile people with diverse values and beliefs.

In *Value and Justification*, Gaus argued that idealized agents would accept liberal institutions, and they would even agree for shared reasons. (Though he allowed that their reasons could differ.) Yet Gaus begins *Justificatory Liberalism* by noting that he realized that public justification could not vindicate particular institutional arrangements in the six years between the two books. Gaus abandons a shared reasons model of public justification. Fifteen years later, in *The Order of Public Reason*, Gaus embraced diverse thought as a resource for reconciliation. His later works expanded on this theme. Gaus argued that we could reconcile under more and more varied social conditions.

Gaus defended a liberal social order that treats all as naturally free and equal because he believed that only liberal arrangements sustain moral relations between diverse persons. State power, in particular, must be publicly justified, and free and equal peoples should restrict the state to enforcing mutually acceptable rules. But since we have diverse beliefs and values, our reasons are diverse as well. These diverse reasons undermine the justification of sectarian regimes – political orders that govern people according to some reasonably contestable conception of the good or justice. Diverse reasons defeat the rationale for these regimes.

Yet even non-liberals can endorse a liberal constitution as acceptable, if not optimal, from their point of view. A liberal order protects non-liberals from the hegemony of competing groups. Liberal societies are thus

uniquely publicly justified to a diverse public. Liberal order alone can reconcile diverse persons and sustain moral relations between them.

Hence the title of this volume. Gaus provided an original and rigorous 21st-century liberalism based on a doctrine of diverse public reasoning. It is well-suited to address recent challenges to liberal orders like the United States.

2. Gaus's Essays

Gaus's most essential essays have several common themes, which I have organized into two groups: liberalism and diverse public reason.

Liberalism. The first essay in the volume, "Reasonable Pluralism and the Domain of the Political," is Gaus's central statement of the difference between his "justificatory" liberalism and Rawls's political liberalism. Gaus argues that reasonable pluralism – informed, sincere disagreement about what morality requires – extends "over most of what we call the political." So reasonable pluralism must be broader than Rawls thought. The essay, published in 1999, illustrates Gaus's wavering attitude towards shared reasons requirements in public justification, which he would permanently abandon ten years later.

In the second essay, "On Justifying the Moral Rights of the Moderns," Gaus argues that individual rights are essential to the process of public justification because they disperse moral authority to individuals to make their own choices. Rights mitigate the difficulties in making collective decisions in the face of pluralism. The third essay, "Recognized Rights as Devices of Public Reason," extends these arguments. A publicly justified social morality must recognize "jurisdictional rights," rights that assign individuals and small groups the authority to decide how to organize their partition of social space. Therefore, most moral claims in a diverse order will appeal to jurisdictional moral rights.

The fourth essay, "The Moral Foundations of Liberal Neutrality," defends the traditional liberal commitment to state neutrality on matters where people reasonably disagree. If we draw on a plausible conception of persons as both rational and moral, we will find morally neutral institutions attractive. This form of neutrality sharply limits what government may do.

The final essay claims that public reason liberalism must embrace markets and limited government, a stark contrast with the Rawlsian liberalism of the extensive state. In "Coercion, Ownership, and the Redistributive State: Justificatory Liberalism's Classical Tilt," Gaus argues

that justifying extensive state coercion is difficult due to enormous diversity and disagreement. While the public reason project is friendly to a range of liberal views, the family must tilt towards market-based, limited government forms.

Diverse Public Reason. The last three essays outline the growing role of diversity and complexity in Gaus's political thought. The first essay, "A Tale of Two Sets: Public Reason in Equilibrium," is Gaus's most developed defense of his "convergence" conception of social normativity. Public reason liberalism involves idealizing persons to determine their justifying reasons, but they do not bracket their conceptions of justice or other diverse considerations in deciding what is justified. The Rawlsian attempt to insulate public justification from these forms of diversity does not succeed. We must allow diverse reasons into public justification.

The second essay, "Self-Organizing Moral Systems: Beyond Social Contract Theory," attempts a radical reconstruction of public reason liberalism to grapple with real-world diversity. The social contract tradition tends to devise a "centrally planned" social contract that sets our most important disagreements aside. But because we disagree in our judgments of justice and the degree of reconciliation we value, social contract reasoning will not always lead to reconciliation.

To resolve a disagreement about the relative value of reconciliation, we must appeal to the idea of a self-organizing moral system. Each individual, acting on their own views of justice, responds to the decisions of others, forming systems of shared justice. Here Gaus formulates a model to show how diverse persons can converge on common rules without central direction. Surprisingly, his model implies that disagreement about the relative value of reconciliation can sometimes increase the likelihood of achieving it.

The final essay in the volume, "Political Philosophy as the Study of Complex Normative Systems," initiates what was likely to become the next significant period of Gaus's research. Here Gaus introduces the New Diversity Theory, which analyses moral diversity, not as moral reasoning gone awry or even a threat to free societies, but as a fundamental moral phenomenon. According to the New Diversity Theory, moral diversity is not simply a challenge to reasonably stable moral order but a critical resource for free societies to discover better ways of living together.

The New Diversity Theory led Gaus to synthesize the themes of liberalism, public reason, and diversity to defend a new philosophical method as essential to progress in political philosophy. For Gaus, political philosophy is not a distinct field that we integrate with politics and

economics and the moral sciences like moral psychology. Political philosophy is the attempt to grapple with real-world morality and diversity. Political philosophers should attempt to uncover the possibilities for social order under diverse conditions. They should develop models of our social world to determine whether diverse moral reasoning can help us cooperate better. The New Diversity Theory thereby unites Gaus's political philosophy with his work as a methodologist of political thought.