Genuine Value Pluralism and the Foundations of Liberalism

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Abstract

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My dissertation articulates and defends a vision of liberal political theory grounded in genuine value pluralism. Value pluralism, I argue, is best understood as a thesis about the nature of values, not as an observation about the diversity of evaluative beliefs that individuals hold. It should be understood as the claim that values themselves are plural and not all mutually realizable in a single life. Accepting this account of value pluralism offers significant challenges to traditional liberal political theories. However, value pluralism also has wide-ranging, and often surprising, advantages in explaining key tenets of liberal political theory. My dissertation explains the significant advantages of genuine value pluralism while responding to the most pressing challenges it poses.

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Introduction:

Two Kinds of Pluralism

That we live in an increasingly pluralistic world is a commonplace of our contemporary age. We take for granted our need to coexist with others who hold an enormous variety of different religious doctrines, moral values, conceptions of the good life, as well as facing an enormous array of different ways of living available to choose between. Nor does this condition seem to be a temporary aberration—indeed, the prevailing trend is one of increasing diversity. Appeals to the pluralistic character of the modern world are central in contemporary debates concerning multiculturalism, cultural and material imperialism, globalization, and immigration, to name but a few. For all of its apparent ubiquity, however, pluralism as a philosophical and political doctrine can appear quite puzzling.

Despite the prevalence of invocations of pluralism and its closely related concepts—multiculturalism, diversity, inclusiveness, and so forth—there are few accounts of what pluralism actually involves. Since pluralism lies at the heart of so many of our contemporary political debates, one might think that political philosophy should offer some account of what pluralism is—what does it mean to be a pluralist? What must one accept if one is to accept pluralism? What kinds of positions can be accurately described this way? However, it seems that here everyday political language has moved a lot more quickly than political philosophy. There is almost no philosophical discussion of the nature of pluralism, though many theorists invoke pluralism in one way or another. This dissertation aims to address this gap. I ask what pluralism is, or as I shall put this,

what *genuine pluralism* is: what kind of theory in political philosophy should count as being genuinely pluralist.

Insofar as I draw on current philosophical debates, I am often extracting an implicit conception of pluralism, rather than engaging with accounts of pluralism that are explicitly set out and defended. With some notable exceptions, say, by Isaiah Berlin, Joseph Raz, and Bernard Williams among others, philosophers rarely attempt to spell out how pluralism can be formulated as a coherent position, what its implications are, and how it relates to other core elements of liberal political theory. Relevant arguments are often couched in other terms. Most prominently, discussions of public reason and of toleration often bear indirectly but importantly on the question of how we should conceive of pluralism.[1]

As I see it, the conceptions of pluralism that philosophical discussions presuppose largely fall into two broad categories. The first, *political pluralism*, as I shall call it, takes as its starting point the fundamentally sociological observation of persistent disagreements about the fundamental nature of morality, religious truths, and the good life. Political pluralism, as its name suggests, is typically conceived of as falling primarily, if not solely, within the domain of the political, and not the personal.[2] That is, political pluralism is concerned with the social and political relations holding between persons who endorse incompatible moral, religious, and ethical doctrines, and not

[1] John Rawls, of course, famously invokes the "fact of reasonable pluralism" in his formulation of political liberalism. Rawls, however, offers little to no discussion of what is pluralist about the fact of reasonable pluralism, beyond the observation that individuals do—and will continue to—disagree about concerning their comprehensive conceptions of the good. In so far as Rawls offers a philosophical analysis of the fact of reasonable pluralism, the emphasis is very much on analyzing the reasonable, and not the pluralism. John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 2005).

[2] In so far as such a distinction can be drawn, of course.

primarily (or at all) with the content of any particular doctrine or set of doctrines. The second, which I shall call *value pluralism*, posits a plurality of values themselves, not beliefs about values or religious, moral, and ethical doctrines. Value pluralism is most centrally concerned with issues of incommensurability, practical reason, the possibility of moral dilemmas—that is, with issues primarily related to individuals and their evaluative lives. Political pluralism and value pluralism thus differ both with respect to their subject and their concerns. Political pluralism deals with the existence of incompatible beliefs about what is good, and with the difficulties these raise for our social relations and political institutions. Value pluralism deals with the existence of (possibly incommensurable) values and the difficulties these raise for individuals in practical reason and their moral lives.[3]

My dissertation proposes that, in order to properly understand political pluralism we need to posit and understand value pluralism. The pluralism that characterizes contemporary political life reflects not merely a range of diverging evaluative beliefs and commitments. These diverging beliefs and commitments arise against the background of a plurality of values. My aim, in brief, is to shed light on this plurality of values and its implications for liberal political theory. Given that there is not much direct philosophical discussion of these issues, while at the same time much that relates to it is indirectly

[3] Of course, the distinction between political and value pluralism is not always sharp, and most discussions of pluralism involve elements of both. Joseph Raz, for example, is notable insofar as he primarily writes on political philosophy, but his account of pluralism is most closely aligned with value pluralism, as I have characterized it here. For Raz's most explicit treatment of value pluralism, see his *The Practice of Value*, originally presented as at the Tanner Lectures. Joseph Raz, *The Practice of Value (The Berkeley Tanner Lectures)* (New York, NY: Oxford University Press, 2003). Recent work in non-ideal political theory also involves significant overlap between political and value pluralism. See, for example, Amartya Sen's *The Idea of Justice* and Elizabeth Anderson's *Value in Ethics and Economics* and *The Imperative of Integration*. Amartya Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009); Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1993); Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010).

addressed, the following proviso is in order. I take myself to do a kind of ground clearing, well aware that, once an account of value pluralism and its relation to political pluralism is formulated, there will be further work to do. Still, given the state of the discussion—and the peculiar clash between the pervasiveness of pluralism-talk on the one hand, and the scarcity of explicit accounts of pluralism on the other—the ground clearing I aim for is already an extensive task. It involves questions about the nature of value pluralism, its relation to public reason and to toleration, and what may appear to be its near-neighbors, relativism and conservatism.

Part I: Political Pluralism

Section I.1: A Puzzle for Political Pluralism

Political pluralism is fundamentally a claim about the conflicting beliefs about what is good held by individual citizens. The truth or falsity of these views is only of subsidiary importance, if it has any importance at all. Indeed, John Rawls, the preeminent contemporary theorist of political pluralism, explicitly seeks to do away with the notion of truth in political theory, at least as far as possible.[4] Political pluralism is thus closely linked to philosophical accounts of liberalism, going back at least as far as John Locke's discussion of religious pluralism in "A Letter Concerning Toleration."[5] Since toleration, as a political value, depends for its existence on continuing disagreement about the good, theorists working within the tradition of political pluralism have

[4] As Rawls writes, "within itself the political conception does without the concept of truth," substituting for it the concept of the "reasonable." John Rawls, *Political Liberalism*, 94.

[5] John Locke, "A Letter Concerning Toleration," in *Political Writings*, ed. David Wooten (Indianapolis, IN: Hackett Publishing Co., 2003), 390-436.

undertaken the task of explaining and justifying this state of affairs, rather than seeking to overcome it. That is, instead of seeking to eliminate or reduce the scope of disagreement, theorists engaged with political pluralism seek to reconcile us to it.

Such reconciliation is necessary in light of an obvious argument against political pluralism. If we take a particular conception of the good (to borrow Rawls's phrase) as true, we must *ipso facto* regard any of our fellow citizens who disagree as mistaken or wrongheaded. The existence of a great many incompatible conceptions of the good must appear to us—insofar as we are both committed to our own conception and view the other conceptions as incompatible with ours—as, at best, an unfortunate error that our fellow citizens are making. Consider, by way of analogy, the case of the natural sciences. Let us suppose, for the moment, that we observe widespread disagreement concerning the reality and causes of global climate change.[6] Further, let us (for the moment) assume that this disagreement is stable, at least for the foreseeable future—even if the percentage of Americans denying the reality of anthropogenic climate change, such a view will continue to be held by a substantial portion of the population.[7] In the case of disagreements concerning facts about the natural world, the stability of disagreement has not been treated as something we must reconcile ourselves to. Why should it in the case

[6] Indeed, as a January 2015 Pew Research poll found, only 50% of Americans believe that human activity is the primary cause of global climate change, compared with 87% of scientists polled. "Public and Scientists' Views on Science and Society," Pew Research Center, accessed July 7th, 2015, http://www.pewinternet.org/2015/01/29/public-and-scientists-views-on-science-and-society/pi_2015-01-29_science-and-society-00-01/.

[7] Similar disagreements will, of course, arise in different scientific domains—consider, for example, ongoing debates about the effectiveness of monetary stimulus or austerity in economics. Likewise, as the Pew poll cited above demonstrates, there are many issues on which scientific and public opinion diverge wildly.

of religious, ethical, or normative disagreements, as theorists in the tradition of political pluralism have urged us?

A few natural responses suggest themselves here, pressing on the analogy I have drawn between disagreement about conclusions drawn by the natural sciences and those in the normative domain. Normative views, it might be argued, are immediately practical, whereas the conclusions of the natural sciences have no immediate consequences for action. If anything, however, this response only sharpens the puzzling character of political pluralism. After all, since the normative realm has immediate implications for action, we cannot simply agree to disagree; we have to choose, and thus, our disagreements about what reasons could justify our choices cannot be set aside. Furthermore, disagreements concerning natural facts can, and do, have practical implications, especially politically. We cannot decide how to respond to the challenges that global climate change poses without first settling the on what the truth is. Or, at any rate, we need to decide by which standards we assess scientific theories, models, and hypotheses, such that they are serious contenders for being true, and such that other proposals can be dismissed. These matters are especially difficult if scientific theories do not compete with other scientific theories, but with religious commitments; here progress regarding the disagreement about a particular question is a tall order, since it would presuppose settling how, say, science and religion relate.[8]

[8] The ongoing debate about teaching intelligent design as an alternative to evolution through natural selection reflects precisely these disagreements. Of course, disagreements concerning the truth of evolution or intelligent design are not exclusively scientific or religious disputes, but involve both kinds of claims. For a good survey of some of the key issues involved in the legal debates surrounding the teaching of evolution, see Edward J. Larson, *Trial and Error: The American Controversy over Creation and Evolution* (New York, NY: Oxford University Press, 2003).

Alternatively, we might press the disanalogy between normative and descriptive disagreement by maintaining that, although as a matter of fact disagreement about some class of empirical claims seems likely to persist, consensus on these matters can nonetheless serve as a regulative ideal—as a goal to be sought. Even if we are unlikely to achieve consensus on the truth of some particular claim of the natural sciences, the argument goes, we should take consensus as the purpose or goal of our investigations into the natural world. We need not—and should not—tolerate opposing scientific theories, if we judge them false by our best lights. Instead, we should seek to prove them wrong, and having done so, seek consensus on the truth of whichever theory best captures the truth about the natural world. According to this line of thought, the normative domain is distinct, insofar as not only is consensus on religious, moral, and ethical matters practically impossible, but also theoretically undesirable. We can—and should—tolerate opposing religious, ethical, and moral views, even if we judge them false by our best lights. It is inappropriate, at least in the political domain, to seek to demonstrate the falsity of (at least some) opposing religious, moral, and ethical theories.

But why should this be so? Without some particular meta-ethical account of the status of religious, moral, and ethical claims, the injunction against seeking the truth on these matters—and to act on the truths so discovered—can appear not only puzzling, but outright dangerous. The puzzling character of political pluralism appears in many of the most contentious and central debates of contemporary political philosophy—in debates about multiculturalism, or between moral relativist or particularists and moral

universalists.[9] The idea that the discovery and specification of a single true account of what is good or best in life would rule out a great many cultural practices, beliefs, and evaluative systems is familiar from debates both within political philosophy and in our broader political climate. If political pluralism is to reconcile us to the persistence of normative disagreement it owes us an account of why we should not seek such a single true account of the good. Political pluralism is thus puzzling to the extent that it treats some kinds of disagreements as beyond the scope of rational or empirical resolution. While we can, and should, seek to discover and convince others of the truth of our best scientific theories, political pluralism denies that any similar project is appropriate when it comes to religious, moral, or ethical questions. If the truth of some particular scientific theory matters for how we should act together, why should the truth of our most fundamental religious, moral, and metaphysical claims not make a difference? Resolving this puzzle is one of the primary tasks of those engaged with political pluralism.

Section I.2: Political Pluralism in Contemporary Philosophy

As is often the case in political philosophy, contemporary debates about political pluralism start with John Rawls's treatment of the issue, beginning in his landmark *A Theory of Justice* and greatly expanded upon in the later *Political Liberalism* and "The Idea of Public Reason Revisited."[10] To repeat, 'political pluralism' is a term I use in order to refer to a type of pluralism; it is not Rawls's term. But today's discussions of

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[9] For an example of the former debate, see Susan Moller Okin's *Is Multiculturalism Bad for Women* Martha Nussbaum's defense of universalism in *Sex and Social Justice* is an excellent example of the latter. Susan Moller Okin, *Is Multiculturalism Bad for Women?* (Princeton, NJ: Princeton University Press, 1999); Martha C. Nussbaum, *Sex and Social Justice* (New York, NY: Oxford University Press, 1999).

[10] John Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples* (Cambridge, MA: Harvard University Press, 2001), 129-180.

pluralism plausibly trace the beginnings of important lines of inquiry to Rawls. In *A Theory of Justice*, Rawls's commitment to political pluralism is most evident in his rejection of the Aristotelian Principle of Perfection.[11] Rawls's commitment to political pluralism is most evident, however, in his shift from *A Theory of Justice* to *Political Liberalism*. At this point, Rawls engages more explicitly with the issues pertaining to pluralism; hence it is easier to ascribe to him a conception of pluralism based on *Political Liberalism*. Indeed, here Rawls distances himself from parts of *A Theory of Justice* precisely since, he claims, they fail to properly respond to the fact of reasonable pluralism. Rawls writes:

> [T]he principles of justice as fairness in *Theory* require a constitutional democratic regime, and since the fact of reasonable pluralism is the long-term outcome of a society's culture in the context of these free institutions (p. xvi), the argument in *Theory* relies on a premise the realization of which its principles of justice rule out. This is the premise that in the well-ordered society of justice as fairness, citizens hold the same comprehensive doctrine, and this includes aspects of Kant's comprehensive liberalism, to which the principles of justice as fairness might belong. But given the fact of reasonable pluralism, this comprehensive view is not held by citizens generally, any more than a religious doctrine, or some form of utilitarianism.[12]

The fact of reasonable pluralism, perhaps the most important and influential account of the origin and normative status of political pluralism, motivates much of Rawls's work in both *Political Liberalism* and "The Idea of Public Reason Revisited."[13] Given Rawls's prominent place in contemporary political philosophy generally and specifically in

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[11] Against the principle of perfection, Rawls writes of the parties to the original position, "The parties do not share a conception of the good by reference to which the fruition of their powers or even the satisfaction of their desires can be evaluated. They do not have an agreed criterion of perfection that can be used as a principle for choosing between institutions." John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), 288.

[12] Rawls, *Political Liberalism*, xl.

[13] As Rawls puts writes, "a main aim of PL [Political Liberalism] is to show that the idea of the well-ordered society in *Theory* may be reformulated so as to take account of the fact of reasonable pluralism." Rawls, *Political Liberalism*, xli.

political pluralism, significant portions of this dissertation will be spent responding to Rawls's work.

Beyond Rawls, political pluralism plays a key role in many areas of contemporary political philosophy. Debates about the moral standing of multiculturalism, for example, are best understood as debates about the normative standing of political pluralism—that is, to what extent are we to respect the moral and religious beliefs of particular groups when the conflict with purportedly universal values such as autonomy or dignity? Will Kymlicka, for example, has undertaken to defend the value of multiculturalism—and, in turn, defends granting group-differentiated rights to members of minority cultures—by appealing to the importance of group membership in achieving key universal liberal values.[14] Susan Moller Okin, on the other hand, challenges the compatibility of multiculturalism and universal values, arguing that deference to minority groups over the rights and needs of individuals undermines equality between the sexes and propagates sexist modes of social and cultural organization.[15] Martha Nussbaum offers a defense of universalism in political theory against its critics in *Sex and Social Justice*, arguing that (contrary to the beliefs of many), we can identify a core set of capabilities that political systems ought to realize—that is, an account of what is good for persons that stands or falls independently of what people believe to be good.[16]

Finally, the apparent conflict between individual beliefs, desires, and commitments and the universal values that ground political decisions plays a large role in

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[14] Will Kymlicka, *Multicultural Citizenship* (New York, NY: Oxford University Press, 1995).

[15] Okin's sustained critique of multiculturalism is found in her *Is Multiculturalism Bad for Women?* She provides a corresponding critique of major contemporary philosophers in *Justice, Gender, and the Family*. Susan Moller Okin, *Justice, Gender, and the Family* (New York, NY: Basic Books, 1989).

[16] Nussbaum, *Sex and Social Justice*, 41-42.

both Thomas Nagel and G. A. Cohen's political writings, albeit in quite different ways. Nagel, in *Equality and Partiality*, takes the conflict between what he calls "agent-relative" reasons and "agent-neutral" as a pervasive challenge to political theorizing.[17] What individuals take to be good—what they desire, value, or have reason to pursue—constrains our pursuit of the impersonal ideals of equality and justice, according to Nagel. Cohen, on the other hand, argues that giving moral weight to individual beliefs, desires, and projects, when they conflict with universal values, fatally undermines our capacity to realize just institutions and policies; to grant moral status, for example, to the desire to maximize one's income over taking a lower salary so as to maintain a moral equal distribution is, for Cohen, a morally impermissible capitulation analogous to giving in to the demands of a kidnapper.[18] What is common to all of these debates is that they begin with the recognition of a plurality of beliefs about what is valuable or good, not a plurality of values themselves.[19]

Part II: Value Pluralism

Section II.1: Value Pluralism and Incommensurability

Philosophers engaged with value pluralism do not, typically, begin by observing the existence of a plurality of incompatible religious, moral, and ethical doctrines. Value pluralists instead focus their attention on the possibility that there is a plurality of values

[17] Thomas Nagel, *Equality and Partiality* (New York, NY: Oxford University Press, 1991).

[18] G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008), 54.

[19] Whether or not any of the authors I have mentioned *also* accepts the thesis of value pluralism is, for all that I have said, an open question. What matters for my purposes is that such a thesis is a separate matter from the kinds of issues discussed here.

themselves, although of course, these values may have deep connections with the existence of a plurality of religious, moral, and ethical doctrines. By focusing their attention on values, and not on value-systems or beliefs about values, value pluralists fundamentally alter the terms of the debate about pluralism. The core of value pluralism is the belief that there are many different ways for things—projects, objects, ways of life, and so forth—to be valuable, and that these different values are not, ultimately, reducible to a single standard by which they might be compared.[20] By insisting on the multiplicity and independence of this plurality of values, value pluralism immediately sidesteps the puzzling character of political pluralism. While recognizing a kind of incompatibility of values—insofar as they may not be mutually realizable in a single choice, life, or even society—value pluralism denies that the kind of incompatibility of evaluative systems that political pluralism takes as it starting point is irresolvable. Since the incompatibility of values that value pluralism affirms allows for the possibility that each person is realizing a different value when they pursue different ends, value pluralism is capable of explaining away the apparent incompatibility of the diverse set of beliefs about what it takes to make a life meaningful or valuable. Of course, value pluralism recognizes that political disagreements will persist, no matter what; indeed, the existence of these disagreements is understood in terms of more fundamental disagreements about what values we should realize in a particular context. What value pluralism denies is the claim that believing in one kind of value or evaluative system entails denying the truth or value of others.

[20] As Raz writes, "[pluralism] becomes philosophically significant the moment one rejects a still pervasive belief in the reducibility of all values to one value which serves as a common denominator to the multiplicity of the valuable ways of life." Joseph Raz, "Multiculturalism," in *Ethics in the Public Domain: Essays in the Morality of Law and Politics* (New York, NY: Clarendon Press, 1994), 179.

Value pluralism, like political pluralism, has its own puzzles and conceptual difficulties. In particular, value pluralism faces serious challenges in providing an account of practical rationality when individuals face a choice between independent values. Moreover, if a value pluralist affirms any strong form of incommensurability between values—if, fundamentally, objects or pursuits that realize different values fail to be better than, worse than, or equally as good as each other—it is difficult to account for how we can rationally or justifiably choose between them. After all, it is a common belief that practical rationality involves, at the very least, choosing an option at least as good as any other. If the different options we face—what kinds of projects to undertake, objects to acquire, or ways of life to pursue—are not comparable with each other according to an overall standard of goodness or value, on what grounds can we justify our decision in favor of one option over another?

There are, of course, a number of responses to the problems that incommensurability raises for practical reason. One line of argument proceeds by seeking to eliminate or undermine the incommensurability of different values, either by defending a single value as the standard of comparison or positing some comparative relation that obtains between otherwise disparate values. Others defend incommensurability and instead revise our account of practical reason to take into account the incomparability of some options.[21] In either case, however, it is evident that

[21] See, for example, Raz's discussion of the "basic belief" in *Engaging Reason: On the Theory of Value and Action* that "most of the time people have a variety of options such that it would accord with reason for them to choose any one of them and it would not be against reason to avoid any of them." Likewise, Bernard William's discussion in "Conflicts of Value" in *Moral Luck* offers an analysis of choices between incommensurably valuable options. See also Ulrike Heuer's criticism of Raz's account in "Raz on Values and Reasons," from *Reason and Value: Themes from the Moral Philosophy of Joseph Raz.* Joseph Raz, *Engaging Reason: On the Theory of Value and Action* (New York, NY: Oxford University Press, 2002), 100; Bernard Williams, "Conflicts of Values," in *Moral Luck* (New York, NY: Cambridge University

the major concerns of value pluralism are quite distant from those of political pluralism, both in its characteristic subject—individuals rather than groups of believers—and in its characteristic concerns—incommensurability rather than toleration.

Section II.2: Value Pluralism in Contemporary Philosophy

Contemporary philosophical debates concerning value pluralism are driven by a number of motivations and adopt a wide range of approaches. Although philosophical ethics lacks a single figure of Rawls's central importance, a few philosophers have had a significant impact on the state of contemporary work on value pluralism. Isaiah Berlin's account of value pluralism, for example, has had a lasting influence on contemporary discussions of value pluralism, with its emphasis on incommensurability and the possibility of irresolvable value conflicts.[22] Likewise, Bernard Williams's anti-systematic approach to ethics, with its emphasis on the plural and incommensurable nature of value played an important role in setting the terms for later approaches to value pluralism.[23] In particular, Williams identifies one of the core problems that value pluralists will face, at least those pluralists who maintain that distinct values are, ultimately, incommensurable—the problem of practical rationality described in the previous section. As Williams writes, a core component of value pluralism is the claim that "there is no common currency in which these gains and losses of value can be

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Press, 1981), 69-82; Ulrike Heuer, "Raz on Values and Reasons," in *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, ed. R. Jay Wallace, et al. (New York, NY: Clarendon Press, 2004), 129-152.

[22] Isaiah Berlin, "Two Concepts of Liberty," in *Liberty* ed. Henry Hardy (New York, NY: Oxford University Press, 2002), 166-217.

[23] See especially Williams's essay, "Conflicts of Values," in *Moral Luck*.

computed, that values, or at least the most basic values, are not only plural but in a real sense incommensurable."[24] This claim, however, is not without cost: "unless some comparison can be made, then nothing rational can be said about what overall outcome is to be preferred, nor about which side of a conflict is to be chosen—and that is certainly a despairing conclusion."[25]

Indeed, significant philosophical attention has been paid to the relation between value pluralism, incommensurability, and practical reason. Some have undertaken to affirm the truth of value pluralism while denying the incommensurability of value. Peter Railton, for example, has argued for a pluralist approach to consequentalist ethics, in which "several goods are viewed as intrinsically, non-morally valuable—such as happiness, knowledge, purposeful activity, autonomy, solidarity, respect, and beauty. These goods need not be ranked lexically, but may be attributed weights, and the criterion for rightness for an act would be that it must contribute to the weighted sum of these values in the long run."[26] Ruth Chang, in her introduction to *Incommensurability, Incomparability, and Practical Reason* has argued that two options that differ with respect to the kind of value they realize, although they may fail to be better than, worse than, or equally as good as each other, can nonetheless remain commensurable with each other by standing in the relation of "being on a par with."[27] Raz, on the other hand, offers

[24] Williams, "Conflicts of Values," in *Moral Luck*, 76.

[25] Williams, "Conflicts of Values," in *Moral Luck*, 77. Williams denies this implication of value pluralism, since he takes it to follow only from an implausibly strong version of incommensurability.

[26] Peter Railton, "Alienation, Consequentialism, and the Demands of Morality," in *Facts, Values, and Norms: Essays Toward a Morality of Consequence* (New York, NY: Cambridge University Press, 2003), 163.

[27] Ruth Chang, introduction to *Incommensurability, Incomparability, and Practical Reason* (Cambridge, MA: Harvard University Press, 1997), 1-34.

an argument in favor of the incommensurability of values in *The Morality of Freedom*.[28] What is common to all these debates, however, is their focus on the plurality of values themselves, not on a plurality of people's beliefs about values. The problems that value pluralists face are those of individuals choosing between incompatible values that (at least appear) to demand their attention and respect, not those of political systems in navigating the apparently incompatible beliefs and doctrines of different groups, any number of which may or may not themselves recognize the existence of more than a single value.

Part III: Unifying Pluralism

Despite the fact that political pluralism has obvious ethical implications for individuals and the fact that value pluralism has obvious normative implications for our social lives, it is a curious feature of both discourses that few, if any, systematic attempts to unify the two accounts of pluralism have been offered.[29] The aim of this dissertation is to fill this gap, to provide a defense of political pluralism in terms of a fundamental commitment to the truth of value pluralism. Instead of beginning with the sociological observation of persistent disagreement between persons as to their religious, moral, and

[28] Raz's argument here depends on the apparent irrelevance of small changes to one option when we face a choice between two distinct values. If we are choosing between a career in music and a career in law, for example (let us suppose that these two careers are valuable in distinct ways), a small change in our expectations of success in our prospective law career does, he claims, make a difference to our choice, although it clearly does make a difference between two different law careers. Joseph Raz, *The Morality of Freedom* (New York, NY: Oxford University Press, 1986), 332.

[29] Of course, Isaiah Berlin (a quintessential value pluralist) is a notable exception. Berlin's most thoroughgoing account of value pluralism and its relation to our political lives—his essay "Two Concepts of Liberty"—offers a defense of core liberal values by drawing on the resources of value pluralism. In some sense, my project here can be viewed as an attempt to both elaborate and systematize Berlin's brief account of the connection between value pluralism and our political lives. See Isaiah Berlin, "Two Concepts of Liberty," in *Liberty*, especially 215-217.

ethical commitments, I argue, we should see these disagreements as reflecting a deeper truth about the nature of values themselves. It is because value pluralism is true that we observe the diversity of evaluative opinion that political pluralism takes as its starting point. To be clear, I am not arguing that value pluralism is the foundation of political pluralism in the sense of being part of the particular beliefs of any particular person or group of persons. Rather, value pluralism is normatively foundational; the truth of value pluralism explains why political pluralism is normatively significant, why it is not a regrettable fact that our fellow citizens have different beliefs about from us what is of value in life. If this is true—if value pluralism is the normative foundation for political pluralism, the characteristic concerns of value pluralists—most notably, incommensurability—will have to play a much larger role in our political theorizing than they have in those of the dominant theories in contemporary political philosophy.

Grounding political pluralism in value pluralism thus requires a systematic account of how practical reason can operate if value pluralism is true. As I shall argue, if values are both plural and incommensurable, we need some account of how our choices can nonetheless be rational—that is, what reasons are there that can serve to justify our selection of one option over another? While the problem of incommensurability arises most obviously in the case of individuals engaged in practical reason when facing a choice between many values, the difficulties are even more acute when we engage in political deliberations. If we can provide an account of how we reason when facing multiple incommensurable values that applies to both practical and political reasoning, we can unify political and value pluralism.

Part IV: Plan of the Work

This dissertation articulates and defends a vision of liberal political theory grounded in genuine value pluralism. It, I argue, is best understood as a thesis about the nature of values, not as an observation about the diversity of evaluative beliefs that individuals hold. Value pluralism should be understood as the claim that values themselves are plural and not all mutually realizable in a single life. Accepting this account of value pluralism offers significant challenges to traditional liberal political theories. However, value pluralism also has wide-ranging, and often surprising, advantages in explaining key tenets of liberal political theory. This dissertation explains the significant advantages of genuine value pluralism while responding to the most pressing challenges it poses.

Chapter One motivates the adoption of genuine value pluralism by considering a challenge to its main competitor—Rawls's account of "reasonable pluralism." Rawls thinks of value pluralism as persistent disagreement concerning comprehensive conceptions of the good. Public reasons, and that is, the reasons suitable for public debate, for Rawls are located in the common ground shared by mutually incompatible conceptions. This proposal, I argue, has unacceptable consequences for our practices of political justification. It sacrifices our capacity to offer robust justifications for particular decision by appealing to the reasons that may be most salient to us. To avoid this consequence, my argument continues, we must revise our account of value pluralism.

Chapter Two lays out a genuinely pluralist theory of value, and considers how practical reason operates under conditions of genuine value pluralism. I begin with an account of value pluralism's competitor: value monism. Value monism is the claim that

all value is of one kind. It implies that, for any given instance of deliberating with a view to several value considerations, there is one decision that pursues what is, overall, most valuable. My exploration of the nature of value pluralism begins here: this implication of monism, I argue, is highly implausible. I argue that if value pluralism is true, there can be no general method of combining distinct values into an overall judgment of comparative value—in particular, that we cannot move from the rankings of options provided by our values to a complete, transitive ranking of overall value. This is not, however, a diagnosis of defeat for practical reasoning. I argue for a model of practical reason that distinguishes between the role of values and the role of what I call positional considerations. Positional considerations are those considerations that, although they do not provide a ranking of comparative value of options, rationalize or justify the selection of one value over others as providing the decisive ranking. Through the appeal to positional considerations, we can make sense of how we arrive at justified or rational decisions when faced with incommensurably valuable options.

Chapter Three explains how this account of practical reasoning applies in the special case of public reasoning. Genuine value pluralism involves a radical expansion of the sphere of public reasons. As in the case of practical reason, positional considerations function to select a particular value as decisive in a given context. However, in the case of public reason, the relevant positional considerations will be fixed by the political climate and our particular social, historical, and material circumstances. Given the expanded sphere of public reasons, I argue, the relation between toleration and public reason needs to be addressed. Under conditions of genuine value pluralism, the thought is, the sphere of public reason becomes identical with the set of reasons we should

tolerate. Indeed, the limits of both public reason and toleration are determined by the set of values accessible to one's society. If some project or pursuit is genuinely valuable, it must be tolerated and admissible into public debates, so long as doing so does not itself undermine our commitment to value pluralism. Finally, toleration under conditions of genuine value pluralism imposes more substantive constraints on our treatment of our fellow citizens than under either value monism or Rawlsian reasonable pluralism.

This dissertation concludes by considering two related challenges that can be pressed against genuinely pluralist political theories. The first challenge claims that accepting pluralism (as I construe it) forces one to accept a kind of moral relativism that undermines our capacity to engage in inter-societal criticism and argument. Although value pluralism does recommend adopting a stance of epistemic modesty with respect to the appropriateness of another society's decisions, the relation between the social context of a choice and the appropriateness of any particular value governing that choice is, in principle at least, assessable from outside the society in question. Although I concede that value pluralism is compatible with some versions of relativism, it is committed to none. If, as it happens, one of these forms of relativism is true, inter-societal criticism will be inappropriate in some contexts—but this would be due to the truth of relativism, not pluralism. The second challenge argues that the reliance of practical and public reason on positional considerations rules out the possibility of justifying social progress and change. However, the multiplicity of values that pluralism endorses means that our values are rarely if ever univocal with regard to the value of any particular set of background conditions. Furthermore, the possibility of realizing new values can justify even radical social change and reform.

Chapter One

Pluralism, Justification, and Legitimacy: A Dilemma for Public Reason

If a political decision is to be justly enacted and enforced, it must satisfy at least two criteria. First, the decision must be supported by the best available reasons—that is, just political decisions must be all things considered *justified*. Second, political decisions must be generally acceptable to those who will be subject to their coercive enforcement—that is, just political decisions must be *legitimate*. These dual requirements of justification and legitimacy are conceptually distinct, yet are often taken to stand or fall together. In this chapter, I aim to show how, given some common assumptions, the pursuit of either goal undermines our efforts at the other. In short, I argue that attempting to find a robust justification for our political decisions requires abandoning the pursuit of legitimacy; or, conversely, satisfying the requirements of legitimacy renders our political decisions unjustified. Those of us interested in both substantially just and generally acceptable political arrangements are thus faced with a dilemma: we must pick between justification and legitimacy. Following my discussion of the putative dilemma, I propose a solution, resolving the apparent dilemma through a reconceptualization of the nature of pluralism and moral disagreement.

My argument begins with some brief remarks about the twin requirements of justification and legitimacy. In particular, I discuss the importance of what John Rawls calls the "Idea of Public Reason" in granting legitimacy to our political arrangements.[30]

[30] John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 2005). See especially Part Two, Lecture VI ("The Idea of Public Reason", 212-254) and Part Four ("The Idea of Public Reason Revisited", 435-490).

Having set up the public reason restriction as a prerequisite for legitimate decisions, I turn to the question of justification. Drawing on Jeremy Waldron's article "Public Reason and 'Justification' in the Courtroom," I argue that the exclusion of reasons demanded by the public reason restriction undermines any claim to all things considered justification we might offer.[31] The force of Waldron's argument, combined with the Rawlsian requirement for the public reason restriction thus results in a dilemma, whereby we can achieve legitimacy or justification, but never both.

Before turning to the conflict between justification and legitimacy, I offer a few remarks on how I understand these two desiderata of good political arrangements, and address the scope of my argument. I do not purport to offer a comprehensive or substantial account of either justification or legitimacy here. Instead, I focus on the relation between these two desiderata and the process of reason giving for political decisions. That is to say, what reasons must be given if a political decision is to be justified? What (sorts of) reasons must be given if a political decision is to be legitimate? Finally, although I make liberal use of examples drawn from a wide array of political decisions—those made by judges, legislators, citizens, and executives—I make a number of simplifying assumptions in my discussion of political decision-making. In particular, I limit my attention to the duties of individual citizens in deciding whether or not to vote for a particular legislator, or to vote for a particular law (when laws are voted on by referenda). Furthermore, I assume that each citizen takes herself to be the decisive vote, and that each vote is between only two options. These last two assumptions are to rule out the possibility of strategic or tactical voting, which would raise issues outside the

[31] Jeremy Waldron, "Public Reason and 'Justification' in the Courtroom," in *Journal of Law, Philosophy, and Culture* 1:1 (2007), 107-134.

scope of my argument. I focus on individual citizens, and not legislators, judges, or executives, simply to avoid concerns about what, if any, additional duties government officials have in virtue of holding office.[32] Although I believe that my analysis will apply in these other domains of political action, given some additional qualifications and revisions, I do not make that argument here.

The dilemma between justification and legitimacy I propose here raises serious difficulties for contemporary accounts of public reason. This dilemma arises because most contemporary theories of public reason operate with a deeply problematic concept of value pluralism. Both Rawls's own account, as well as many other theories that depart in important ways from Rawls's, treats agents as engaging in evaluative reasoning from the standpoint of a comprehensive conception of the good. These comprehensive conceptions are fundamentally a system of beliefs about what is of value, which is taken to stand or fall as a single entity. Pluralism, on this view, consists in the existence of multiple, mutually exclusive comprehensive conceptions of the good. As a descriptive claim about our evaluative practices, this is implausible: much of our evaluative thinking is done in response to particular situations and features of our options. More importantly, however, this model of pluralism gives rise to the dilemma between justification and legitimacy. If our account of public reason is to provide a good basis for satisfying both of these requirements, we will need to reject the comprehensive conception model of value pluralism. This paper aims to make the connection between this model of value

[32] For example, I do not wish to settle the issue of whether legislators should vote for the common good, or seek to serve their constituent's interests. Nor do I wish to discuss the role that precedent and legal norms play in the decision-making processes of judges.

pluralism and the dilemma of justification and legitimacy for public reason explicit, and to make room for a new conception of value pluralism.

Part I: Justification and Legitimacy

I begin by arguing that reasons that justify a political decision do not, *ipso facto*, render it legitimate, and *vice versa*. That is to say, the conditions under which a decision is legitimate need not be the same as the conditions under which it is justified; these two requirements of political decisions must be met independently. Let us begin with a few clarifying examples. First, a political decision is justified and legitimate just in case it **(a)** the preponderance of reasons that bear on the decision support it, and (b) the decision is made according to a generally acceptable process, in conformity with the operative norm or norms of political action (whatever the norm or norms might be). Any properly enacted, substantively just law will be an example of a political decision satisfying both requirements: consider, for example, the passage of the Civil Rights Act of 1964. Given that the bill was passed in accordance with the normal democratic procedures, and was supported by the best set of reasons, the law was both justified and legitimate. Similarly, it is not difficult to find examples of illegitimate, unjustified political decisions; history is rife with atrocities committed by tyrants, despots, and their ilk.[33]

Let us now turn to the more interesting cases, where legitimacy and justification come apart. Given that political actors are fallible, both in their capacity as deliberators, and in their epistemic states, we cannot expect every law to be all things considered

[33] Democratic systems are no less capable of acting both illegitimately and unjustifiably; consider Richard Nixon's secret bombing campaign of Cambodia, for example, which was neither made in accordance with the normal procedures of democratic government, nor justified by the best set of reasons.

justified; however, the mere fact that a law is not all things considered justified does not, by itself, give us reason to disobey it, or to withdraw our obedience to the law in general. That is, members of a political entity typically take properly enacted—that is, legitimate—laws to be binding, even if they disagree with the content of the law. Consider the case of prohibitions on the recreational use of (some types of) intoxicants. Quite often, these laws are justified by reference to public health concerns, and passed in accordance with generally accepted procedures. Now let us assume that the goal of public health would be better served, all things considered, by legalization and regulation, with some portion of the tax receipts from the sale of these substances going to treatments for addiction. By its own lights, the law does not best achieve the goal it is enacted to realize. However, given that the law both aims at a legitimate state interest and was properly enacted, it remains binding on those within its jurisdiction, and may permissibly be coercively enforced.[34] Likewise, a political decision can be justified without being legitimate. Consider the cliché of the benevolent dictator, whose decisions, let us suppose, are always justified. Nonetheless, those subject to the dictator are not offered reasons to obey his decisions other than the threat of punishment.[35] Alternatively, consider a case where a legislator has accepted a bribe in return for voting for a particular piece of legislation. Even if her vote is all things considered justified—that is, apart from the bribe, the law ought to be passed—her acceptance of the bribe renders her vote illegitimate. Finally, assume that Catholic doctrine is, as a matter of

[34] Nothing hinges on this particular choice of examples; it may well be that the actual enforcement of drug laws is substantially discriminatory to racial and class minorities and, as such, is illegitimate. This shows that there is a gap between the permissibility of enforcing a decision and the permissibility of the actual mechanism of enforcement.

[35] Here, I am assuming that the dictator feels no need to explain himself or his decisions to his subjects.

fact, true. In particular, assume that God both exists and disapproves of sex for purposes other than procreation and, in turn, disapproves of the use of contraception. Given that these premises are all assumed, it follows that it is best, all things considered, for a state to discourage or even ban the use of contraception.[36] However, the justification for banning contraception does not, by itself, render the ban legitimate. The ban is illegitimate in virtue of the two facts: first, that there is widespread, reasonable disagreement about the truth of Catholicism, and second, that the reasons offered in favor of the ban do not stand in the right relation to those non-believers who will be subject to it.

This last example highlights a key feature of legitimacy, and one which plays a central role in my coming remarks: if a decision is to be legitimate, the reasons offered in support of it must be, in some sense, *shared* by those who will be subject to it. It is to the question of what this sense of *shared* amounts to, and how this requirement can be satisfied, that I now turn.

Part II: Rawlsian Public Reason and Pluralism

Section II.1: The Fact of Reasonable Pluralism and Shared Reasons

If our political decisions are to be both justified and legitimate, we need some system which allows us to not only offer reasons in support of deciding one way or another, but to ensure that these reasons are shared by those who are to be subject to the decision. The most influential contemporary account of "shared reasons" is Rawls's "public

[36] I also assume here that, given the above assumptions, it is also true that the state has a compelling interest in acting as God wants, and in encouraging its subjects to act as God wants.

reason." Rawls states his idea of political legitimacy as follows: "Our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions—were we to state them as government officials—are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons."[37] The use of public reason is meant to ensure that the latter condition is satisfied. Public reason is, simply put, the requirement that in deliberating on political matters, citizens must make use of only reasons which are shared between them, and must not appeal to "the whole truth as they see it."[38] Rawls grounds his defense of public reason in the fact of reasonable pluralism, that is, "the fact that a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral, is the normal result of its [democracy's] culture of free institutions."[39] The fact of reasonable pluralism has both a descriptive and a normative interpretation. Descriptively, the fact of reasonable pluralism claims that we do not expect disagreement concerning comprehensive doctrines to be overcome, or to expect agreement on fundamental questions of value. Normatively, the fact of reasonable pluralism denies that such an agreement is an ideal to be sought or to be used to regulate our political activity. That is, taken both descriptively and normatively, the fact of reasonable pluralism requires that we both *do* not and *should* not

[37] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), 137. Rawls holds that properly speaking, public reason only applies to office holders, or candidates for office. However, he acknowledges that citizens have duties to abide by the requirements of public reason when they act as legislators, as in the case of public referenda or constitutional ratification.

[38] Rawls, *Political Liberalism*, 216. Obviously, the final case considered in the previous section would violate this requirement and, thus, fail to satisfy the requirement of legitimacy.

[39] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 131.

expect or seek agreement on fundamental questions of value and fact.[40] Thus, we cannot reason from premises that assume such agreement to legitimate political decisions. Reasons that are entirely grounded in comprehensive doctrines are to be excluded from the justifications we offer for our political decisions; let us call this exclusion the 'public reason restriction.'

The fact of reasonable pluralism denies the possibility that we could have widespread agreement on which values make it the case that some fact F counts in favor of a decision D. If some fact F counts in favor of a decision D, it must be because F instantiates or realizes some value V. It is because we recognize that F's obtaining realizes V that we recognize F's relevance for our decision—that is, it is F's relation to V that makes it the case that F can serve as a reason to D. If we base our decision D on facts which are grounded in controversial comprehensive doctrines, we will fail the test of legitimacy: D will not be such that the reasons supporting it are generally endorsed by reasonable citizens. Let us revisit an earlier case. Consider Mary, who is a devout Catholic. Mary, let us suppose, takes as true the following facts: F_1: The Pope is the ultimate authority as to what God wants, and F_2: The Pope says that God wants contraception to be banned. Moreover, Mary accepts the following value, V_1: God's wishes are of the highest value. Given F_1, F_2, and V_1, Mary concludes that D: Nobody ought to use contraception. Now let us say Mary is a legislator, faced with a vote on a bill forbidding the sale of contraceptives. In light of the facts she accepts and the values she endorses, Mary votes to ban their sale. Now let us imagine that Mary is one of a sufficiently large number of

[40] Not all fundamental questions are governed by the fact of reasonable pluralism; for example, we might hope for—and appropriately seek—widespread agreement on the truths of particle physics. However, disagreement concerning the existence of God, or of the truth of reincarnation, is to be taken as an unchangeable fact, which should not be seen as regrettable.

legislators who endorse equivalent values, endorse equivalent facts, and come to equivalent decisions; the bill passes, and the sale of contraceptives is banned.

How should we react to Mary's vote? On the Rawlsian picture, Mary has violated her duty as a legislator, in so far as she exceeds the bounds of public reason. When we address Mary, we should argue against her vote on the grounds that she arrived at her position through illicit means: she reasoned from premises that she ought not to have reasoned from (since they are not public reasons). If public reason did not act as a constraint on the range of permissible reasons, we would be unable to criticize Mary's decision on these grounds. The only way for us to argue with Mary would then be to convince her that either F_1 or F_2 are false: to get her to give up one or more of her beliefs about fundamental moral and metaphysical truths. But this is ruled out by our recognition of reasonable pluralism: we do not expect (either empirically, or normatively—that is, we do not take it as a reasonable goal) to gain agreement on issues like "We ought to do what God wants," or "the Pope is the final authority on what God wants." Let us put the argument as simply as possible:

(1) We cannot—and, normatively, should not—expect or seek agreement on facts, which are constituents of comprehensive conceptions of the good.

(2) Legitimate exercises of political power require that we offer justifications for the exercises in terms that we expect all reasonable comprehensive doctrines to endorse. That is, if we do not offer terms that we have reason to think will be widely agreed to, we will not satisfy the liberal principle of legitimacy.

(3) Political decisions, which are justified by reasons arising from comprehensive religious and philosophical doctrines, are illegitimate. ((1), (2))

Thus, the Rawlsian restriction on public reason appears to grant us the means to satisfy the dual requirements of justification and legitimacy. By carving out a space of shared reasons, on the basis of which we are then to decide, the public reason restriction ensures that the justifications we offer for our decisions will rest on shared reasons.

Section II.2: A Dilemma for Rawlsian Public Reason

As we saw above, Rawls's public reason restriction seeks to provide a framework within which we can make political decisions that are both justified and legitimate. However, Jeremy Waldron contends that abiding by the public reason restriction undermines any putative justification for our political decisions. In his article, "Public Reason and 'Justification' in the Courtroom," Waldron argues that the exclusion of reasons which are grounded in comprehensive doctrines disrupts the delicate structure upon which public reasons rest. Waldron's argument can be briefly summarized as follows:

(1) A decision *D* is justified if and only if it is supported by the greatest weight of reasons that bear on *D*. Hence, *D* is unjustified if we come to decide *D* without considering all the reasons for and against *D*.[41]

(2) Rawls's idea of public reason eliminates from consideration some reasons which bear on the justification of *D*.[42]

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[41] Waldron, "Public Reason and 'Justification' in the Courtroom," 117. Waldron writes, "The process of justification looks to this limit idea, which means that in principle it not only permits, but also requires, a diligent search for all the reasons that might pertain to D one way or the other, any one of which might matter to the claim that—finally—D is, or is not, justified."

[42] See especially Waldron's discussion of the Rawlsian treatment of the abortion issue, "Public reason and 'Justification' in the Courtroom," 118.

(3) Therefore, a decision *D* made on the basis of the restricted class of reasons is unjustified. (from (1) and (2))

(4) Political decisions have momentous consequences for people's lives.[43]

(5) Any decision that has momentous consequences for people's lives carries great moral importance.

(6) Therefore, political decisions have great moral importance. (from (4) and (5))

(7) If we decide to *D* and (a) *D* has great moral importance, and (b) *D* is unjustified, we commit a grave moral error.

(8) Therefore, political decisions made on the basis of a restricted domain of reasons constitute grave moral errors (from (3) and (7))

The key premises here are clearly (1) and (2); the rest are either uncontroversial (for example, (5) and (7)) or consequences of some combination of (1), (2), and uncontroversial premises.

How does Waldron defend (1) and (2)? Waldron offers an externalist picture of reasons, such that "a reason for or against [a decision] *D* is a fact about *D*…a fact *F*, a state of affairs in the world, can be a reason for *D* whether or not the person considering *D* believes that *F* obtains, and whether or not she believes that *F* bears any particular relation to *D*."[44] Whatever one thinks of externalism as a general philosophical doctrine, Waldron's contention that "in public matters, she has a responsibility to seek out and ascertain all the reasons for or against *D*" warrants assent; after all, in public decision-making, we need not be concerned solely with reasons which are present in our own

[43] Waldron, "Public Reason and 'Justification' in the Courtroom," 123. Waldron writes, "Official or civic deliberation is serious, momentous even, in its consequences, and surely we ought to pay attention to the most serious reasons, when the stakes are this high."

[44] Waldron, "Public Reason and 'Justification' in the Courtroom," 116.

motivational set, but with the desires, beliefs, and values of our fellow citizens. The justification for *D* will thus consist in some set of reasons F_1, F_2,…,F_n which, when combined, is stronger than any set of reasons against *D*. Furthermore, a set of facts S_1 is stronger than another set S_2 in virtue of the values that make S_1 and S_2 normatively significant.[45]

The shape of Waldron's argument should now be apparent: by restricting the domain of facts permissible in public deliberation about some decision *D*, we will eliminate some set of facts S_i that have normative significance for *D*. Let S_1 and S_2 be two sets of facts in favor of and against, respectively, some decision *D* such that S_1 is stronger than S_2. Now let us restrict the domain of facts available in our deliberation, such that we only consider S_3 and S_4, which are subsets of S_1 and S_2 respectively. Furthermore, assume that S_4 is stronger than S_3: our judgment about whether or not we should decide that *D* varies according to the scope of the reasons we consider in favor of, or against, *D*. Our justification for *D* has become distorted by the restricted domain. Furthermore, the loss of justificatory power that comes with the restriction does not depend on the fact that S_4 is stronger than S_3: even if we arrive at the same conclusion regarding *D* after restricting the range of reasons, we still lose the justification for *D*. That is, we can distinguish between the *correctness* of a decision and its *justification*. Consider a simple case to illustrate this distinction: two students attempting to solve a simple problem of arithmetic. The first student, A, simply guesses at the answer, without understanding or employing the rules of addition; the second student, B, follows all the appropriate steps rules regarding how to add. Both A and B, let us say, arrive at the same

[45] Waldron, "Public Reason and 'Justification' in the Courtroom," 116.

answer, which is the correct answer. Both A and B are *correct* in their response, but only B is *justified*.[46] The same distinction holds in the case of political decision-making. If we fail to consider the full range of normatively significant facts that bear on a decision, our decision will be unjustified, regardless of its correctness. Thus, even if the restricted domain of public reason ends up giving correct conclusions about what we ought, as a society, to do, we will still lack justification for our policies and political actions.

Moreover, Waldron argues that the exclusion of reasons required by the public reason restriction does not merely distort our "consideration of the relative weight of reasons."[47] Reasons, Waldron argues, stand in complicated relations with one another, such that the exclusion of one reason wholly undermines our ability to judge whether some other consideration counts as a reason at all. Waldron considers the case where a fact F_1 counts as a reason for D, contingent upon some other fact F_2 being the case; in Waldron's example, the fact that I am a doctor who can relieve somebody's pain is a reason for me to operate only on the condition that I have obtained the patient's consent.[48] If the patent has withheld consent, the fact that I can alleviate her pain does not count as a reason in favor of my operating.[49] Likewise, Waldron considers the effect of the public reason restriction on exclusionary reasons, writing "The reason that is excluded from consideration [on the basis of the public reason restriction] is not any less

[46] This is, of course, a specific example of the general phenomenon of epistemic luck. Cases of epistemic luck—where an epistemic agent arrives at a correct conclusion through faulty means—are typically used to show that the process by which agents arrive at their conclusions matters as much, if not more, than the conclusions they arrive at.

[47] Waldron, "Public Reason and 'Justification' in the Courtroom," 120.

[48] Waldron, "Public Reason and 'Justification' in the Courtroom," 120.

[49] Under some conditions, we will take her non-consent to be normatively insignificant, as in the case of serious mental illness or unconsciousness. However, these are not the same sort of excluding conditions as Rawls's public reason restriction.

a reason: it retains its strength; it retains its content; and it retains its exclusionary character. If we have excluded it from consideration, then maybe the only honest thing to say about the reasons that it might otherwise exclude is that we are not longer in a position to say whether they should be considered or not."[50]

Let us grant that Waldron satisfactorily defends (1) and (2), and thus, establishes (8). If we accept Waldron's argument, how should we respond? Waldron contends that the appropriate response to his claim about the destabilizing nature of Rawls's restrictions is to expand the domain of public reason to include those reasons which are either members of, or follow from members of, comprehensive religious and philosophical doctrines. To do otherwise, Waldron contends, is to "reduce deliberation to a process of matching controversial decisions to items on a rather ashen and abstract list of pre-certified considerations, chosen not because they capture what is most important, but because they minimize the challenge and discomfort that the beliefs, values, and convictions of one citizen (or one set of citizens) poses to those that are held by another."[51] An appropriate respect for the importance of political decision-making and for the views of our fellow citizens compels us, on Waldron's view, to "listen to one another's views and…to come to terms with them and respond to them even when they seem mysterious to us".[52]

[50] Waldron, "Public Reason and 'Justification' in the Courtroom," 120-121. Exclusionary reasons are those reasons that count as "second-order" reasons for not considering some other consideration as a reason, a consideration that would, in the absence of the exclusionary reason, count in favor of some outcome or another.

[51] Waldron, "Public Reason and 'Justification' in the Courtroom," 134.

[52] Waldron, "Public Reason and 'Justification' in the Courtroom," 134.

Waldron's sanguine attitude towards his proposed expansion of the sphere of permissible reasons in political justification is a result of a mistake he makes regarding the Rawlsian motivation for the public reason restriction. Waldron conceives of the Rawlsian motivation as "a matter of civility and reciprocity."[53] In particular, Waldron contends that Rawls's argument for the public reason restriction "underestimates people's ability to grapple with unfamiliar views that start out with no foothold in their own mentality or motivational set."[54] However, as I argued above, Rawls's public reason restriction is an attempt to provide a framework for legitimacy, not civility or reciprocity.[55] Waldron's argument thus provides us with a dilemma: we must choose *between* legitimacy and justification; we cannot have both.

Waldron's response to Rawls's public reason restriction is, as noted above, to radically expand the scope of reasons permitted in public debate to include "reasons and considerations of every kind."[56] On Waldron's view, we may permissibly exclude a reason only on the grounds that the putative reason is "either false or irrelevant".[57] Public debates thus involve not only debates regarding the relative weights of reasons that everyone recognizes as salient, but debates regarding whether or not some particular reason is relevant or true in the first place. If legitimacy requires agreement that the reasons offered for a political decision be recognized as actually supporting the decision

[53] Waldron, "Public Reason and 'Justification' in the Courtroom," 112. Rawls often writes as if the notions of civility and reciprocity are central to the idea of public reason. See especially "The Idea of Public Reason Revisited," in *The Law of Peoples*, 137.

[54] Waldron, "Public Reason and 'Justification' in the Courtroom," 112.

[55] Civility and reciprocity may, of course, be important benefits of public reason, or important components of legitimacy.

[56] Waldron, "Public Reason and 'Justification' in the Courtroom," 124.

[57] Waldron, "Public Reason and 'Justification' in the Courtroom," 124.

by every person subject to it, Waldron's position will rule out legitimate decisions so long as there is disagreement regarding which reasons are true reasons and which are false or mistaken. However, the fact of reasonable pluralism denies that such a consensus about what reasons there are is either possible or desirable. Waldron's position thus takes the fact of reasonable pluralism both too seriously and its consequences not seriously enough. Waldron's argument against Rawls presupposes deep and persistent disagreements about what reasons there are, for this is the source of the problematic exclusions made by Rawls's public reason restriction. Since we, as citizens, disagree about the truth of religious and philosophical claims, Waldron argues, the exclusion of these claims will upend at least some of our putative justifications; if we all agreed about what counted as a true reasons (if, for example, we all shared a common religious creed), there would be no need to exclude these reasons from the space of public reason.[58] However, the fact of reasonable pluralism does not mean that we cannot expect our fellow citizens to *understand* these controversial reasons, but that we cannot and should not expect them to *accept* them as true or relevant. So long as legitimacy depends on the reasons for political decisions being accepted—not merely understood—by everyone subject to them, Waldron's proposed solution sacrifices legitimacy for the sake of justification.

[58] Samuel Freeman denies that a universally held religious view could be part of Rawlsian public reason, citing Rawls's claim that public reason is a particular feature of constitutional democracies. Of course, we can imagine a constitutional democracy that features universal agreement on some comprehensive religious or philosophical doctrine, so long as we are willing to deny the fact of reasonable pluralism as it arises from Rawls's burdens of judgment. If such a society were possible, I see no reason that the universally accepted comprehensive doctrine would not be part of an overlapping consensus and, thus, permissible in the realm of public debate. See Samuel Freeman, "Public Reason and Political Justifications," in *The Fordham Law Review* 72:5 (2004), 2027.

To the extent that we pursue the desideratum of legitimacy, we will seek a shared set of reasons upon which to decide. However, deciding upon only those reasons that are widely shared will entail excluding reasons that are not shared; as Waldron argues, these reasons are normatively significant, and excluding them will render our joint decision unjustified. Conversely, to the extent that we attempt robust justifications for our political decisions, we will seek to include every normatively significant reason, even if such reasons are firmly situated in comprehensive doctrines. To the extent that our political decisions depend on reasons located in comprehensive doctrines, they will be illegitimate.

Obviously, such a result is unpalatable. Neither legitimacy nor justification is a negotiable element of acceptable political decisions. If a political decision is unjustified, it will be unjust (except in cases of unlikely coincidence). If a political decision is illegitimate, coercion cannot be permissibly used to enforce it.

Part III: Political Conceptions and the Public Reason Restriction

Rawls, or a Rawlsian, might respond that the criticism I have outlined here misses a central feature of political liberalism—the role of so-called "political conceptions of justice" in establishing the scope and content of public reason. The content of public reason is not merely derived from the overlap of the reasons provided by the reasonable comprehensive conceptions present in society. Instead, Rawls argues, the content of the reasonable comprehensive doctrines and the content of public reason are related to one another through "a family of reasonable political conceptions."[59] Instead of merely

[59] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 141.

taking the intersection of the set of reasons provided by the reasonable comprehensive conceptions present—and excluding all those that do not fall within this set—each reasonable comprehensive doctrine seeks to specify and affirm some particular political conception of justice which, in turn, serves to provide the scope and norms of public reason for use in political deliberation. Political liberalism does not seek agreement on some particular comprehensive doctrine or even on some subset of the values those doctrines affirm, but on a family of political conceptions that serve to mediate between the comprehensive doctrines affirmed by reasonable citizens. As Rawls writes, "When political liberalism speaks of a reasonable overlapping consensus of comprehensive doctrines, it means that all of these doctrines, both religious and nonreligious, support a political conception of justice underwriting a constitutional democratic society whose principles, ideals, and standards satisfy the criterion of reciprocity."[60] The content of public reason, in turn, is given by the reasonable political conception, or family of reasonable political conceptions, that are supported by an overlapping consensus.

Can appeal to the role of political conceptions of justice in determining the content of public reason serve to avoid the dilemma posed in the previous section? To see how this strategy could work, we shall have to specify more fully the idea of a reasonable political conception of justice. Rawls gives a number of essential or main features of political conceptions; for our purposes, the most important of these features is the requirement that political conceptions be "complete."[61] Completeness, for Rawls,

[60] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 172-173.

[61] Rawls's initial characterization of political conceptions of justice indicates that their "three main features" are "a list of certain basic rights, liberties, and opportunities," "an assignment of special priority to those rights, liberties, and opportunities, especially with respect to the claims of general good and perfectionist values," and "measures ensuring for all citizens adequate all-purpose means to make effective

requires that "each conception should express principles, standards, and ideals, along with guidelines of inquiry, such that the values specified by it can be suitably ordered or otherwise united so that those values alone give a reasonable answer to all, or nearly all, questions involving constitutional essentials and matters of basic justice."[62] For Rawls, it is crucial that the ordering of values provided by a political conception depend only on the content of the conception itself, and not upon the ordering that the values receive from the comprehensive doctrines that citizens affirm. According to Rawls, if the political values that apply to matters of basic justice and constitutional essentials were ranked according to citizens' reasonable comprehensive doctrines, this would render these values mere "puppets manipulated from behind the scenes by comprehensive doctrines."[63] A reasonable political conception of justice—or a family of such conceptions—seeks to avoid the dilemma posed in the previous section by offering a complete ordering of values that serves as a "framework of thought in the light of which the discussion of fundamental political questions can be carried out."[64] Decisions made by reference to the ordering provided by a reasonable political conception will be justified since, by completeness, the political conception in question encodes and orders all the relevant reasons that bear on the decision. Likewise, a decision made by reference

use of their freedoms." A few pages later, Rawls writes that these political conceptions have "three features"—they are to apply to the basic structure, their specification is independent of any particular comprehensive doctrine, and they are worked out from the background public and political culture. See Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 141 and 143.

[62] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 144-145. As we shall see in Chapter Two, genuine value pluralism denies that any such ordering is, in general possible, given the independence and plurality of the relevant values.

[63] Rawls, "The Idea of Public Reason Revisited," in *The Law of People*s, 145.

[64] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 145.

to a reasonable political conception will be legitimate, in so far as the conception is reasonable—that is, it satisfies the conception of reciprocity and, thus, is suitably shared.

On this view, then, Rawls's account of public reason as derived from an overlapping consensus on a family of reasonable political conceptions of justice satisfies both desiderata for political decisions. How successful is this strategy? Two major problems confront the Rawlsian strategy of grounding public reason in political conceptions of justice. First, the appeal to complete political conceptions of justice merely pushes Waldron's criticism back a level. Waldron, recall, argues that the exclusionary character of Rawls's account of public reason undermines our confidence in the justification of our political decisions, since it renders us unable to provide an account of why we act on the values and principles that we do. Although Rawls's account of political conceptions avoids the immediate problem, his recognition that the content of public reason is "given by a family of political conceptions of justice, not a single one" raises a similar worry.[65] In particular, whenever two political conceptions of justice give different verdicts about what we should do, what justification could citizens offer to each other? By hypothesis, of course, both political conceptions are reasonable, of course, so the legitimacy of whatever decision is reached is not in question.

The justification for why we should accept the ordering provided by one conception rather than another, however, can come from nowhere except the comprehensive doctrines that led each party to the dispute to endorse differing political conceptions. By way of illustration, consider the following example:

> Alice and Beth are two citizens, debating how to vote regarding a proposed law allowing businesses to claim religious exemptions in what services they will offer.

[65] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 141.

> In particular, the proposed statute would permit business owners to refuse service to gay customers, whenever the service would require them to violate their deeply held religious beliefs against gay marriage. Let us further suppose that the proposed statute would establish a method of compensation for potential customers inconvenienced in this way, by providing vouchers that can be redeemed at other businesses that do not object to participating in gay wedding ceremonies. Alice, adopting a political conception of justice that prioritizes freedom of conscience and the reasonable accommodation of religious practice, supports the law. Beth, endorsing a political conception of justice that prioritizes equal treatment of all citizens and non-discrimination statutes, opposes the law.

What reasons can Alice and Beth offer each other to justify their support of or opposition to the law? The political conceptions themselves cannot serve as a justification—it is precisely their affirmation of *this* rather than *that* political conception that stands in need of justification. Nor is there some superior or overarching political conception that can serve to arbitrate in these cases, since, let us assume, the background political culture and constitution have no explicit provision for resolving issues of this kind. If Alice were to demand a justification from Beth (or visa versa), how could Beth respond? What justifies Beth's opposition to the law?

Beth's opposition to the law depends crucially on her affirmation of one member of the family of reasonable political conceptions of justice. This affirmation, however, is precisely what Alice is requesting that Beth justify. Public reason can offer no resources to draw on in offering such a justification, however, as the content of public reason itself is, for Rawls, derived entirely from the family of political conceptions of justice themselves. Indeed, on Rawls' view, what must explain why Alice endorses the conception she does—and why Beth endorses the conception she does—are their respective comprehensive conceptions of the good. Let us suppose that Alice endorses a political conception of the good that emphasizes religious freedom and accommodation since she is a member of a minority religious group, who takes religious pursuits and

communities to be of paramount importance.[66] On the other hand, Beth endorses a political conception that emphasizes equal treatment and non-discrimination from the standpoint of a secular, egalitarian comprehensive conception of the good. When either Alice or Beth is asked to justify their affirmation of one political conception over another, the truth of the matter lies in their particular comprehensive conceptions of the good—it is on these grounds that both Alice and Beth take themselves to be justified in endorsing the political conceptions that they do.

Thus, the justificatory challenge to Rawls's account of public reason reasserts itself even accounting for the role of political conceptions in defining the scope and content of public reason. The exclusion of our comprehensive doctrines from public debate does not immediately undermine our confidence in the justification of our political decisions, it is true, so long as there is consensus as to which political conception of justice is to provide the framework within which political deliberation is to take place. Once we face a conflict between political conceptions, however, we are unable to adduce any reasons in support of why we endorse one political conception over another—and, due to this inability, we will fail to offer stable and reliable justifications for our political decisions. The dilemma between justification and legitimacy for public reason thus arises yet again.

Part IV: Value Pluralism and the Dilemma of Justification and Legitimacy

In seeking to resolve this dilemma, we should attend carefully to the nature and structure of the problem. Despite their many differences, both Waldron and Rawls accept

[66] Of course, we are assuming that both Alice and Beth are reasonable, and are seeking to satisfy the principle of reciprocity in finding fair terms of cooperation.

a picture of our normative lives that treats our reasons for action as hanging together in a single system, to stand or fall as one. The conflict of values that gives rise to the dilemma between justification and legitimacy is a conflict between overarching value schemes or comprehensive conceptions of the good. Pluralism, then, is a matter of there being a plurality of competing, incompatible value frameworks, which structure our normative lives and determine the values that we appeal to in our political or personal deliberations. On this view, the problem of politics arises because we disagree about what is of value and, thus, what we should do. However, this is not the only way to understand or diagnose the nature of disagreement in politics or the nature of value pluralism. Disagreement is the source of the dilemma; it is the nature of this disagreement we must interrogate in seeking a solution.

What do we disagree about when we disagree politically? To sharpen the question, we should look to the source of disagreement; that is, the fact of reasonable pluralism. Both Waldron and Rawls take it for granted that we cannot and should not seek consensus about values in modern liberal societies. Rather, we should accept that modern liberal societies are irreducibly pluralistic. It is this pluralism that gives rise to the dilemma of justification and legitimacy. Thus, if we have good reasons to reject the model of pluralism that gives rise to the dilemma, we may find a way of rejecting the dilemma itself.

What kind of pluralism is at play in Rawls's view? Rawls takes the fact of reasonable pluralism to be a fact about comprehensive conceptions of the good. That is, what is plural in the fact of reasonable pluralism are belief-systems about what constitutes the good life. Accepting the fact of reasonable pluralism entails accepting the

claim that there are, and will continue to be, many reasonable conceptions of the good. Accepting this fact is, of course, consistent with claiming that only one conception of the good is true—what is plural are *reasonable views*, not *true views*.[67] Reasonable citizens in Rawls's view are to endorse many views as reasonable while denying that any but their own is true. Thus, endorsing Rawls's version of pluralism is consistent with endorsing value monism—the claim that there is ultimately only one value, or one measure of value.[68] For example, one can accept the claim that, ultimately, all value follows from the nature of God, and that a life without God is a life without value, while accepting that others can reasonably live such a life and be a reasonable citizen in Rawls's view. Rawls's view is thus one where pluralism consists in a plurality of *beliefs* about the good, not a plurality of *goods*.

Furthermore, these beliefs about the good take the form of comprehensive conceptions of the good (or, alternatively, the good life), not beliefs about particular values or bearers of value. Rawlsian theory, then, takes the primary subject of value pluralism to be a diverse set of incompatible, overarching value systems. Similarly, Waldron's criticism of Rawls relies on a view of value-beliefs wherein individual's evaluative attitudes are deeply and pervasively interconnected. The diversity of goods that gives rise to the dilemma is a diversity of overarching, comprehensive value systems, none of which need involve a belief in a diversity of actual goods. The model of value pluralism implicit in both Rawls' and Waldron's positions is compatible with every involved individual being a value monist themselves. It would be more accurate to

[67] Or, if one is a non-cognitivist, whatever truth-analogue applies to normative claims.

[68] More will be said concerning value monism in the next chapter.

characterize such accounts as value-system pluralisms, rather than value pluralism *simpliciter*.

The nature of pluralism operative in Rawls's and Waldron's account ensures that the dilemma will be irresolvable. So long as individuals are seen as maximizing their chances of success in incompatible pursuits, there can be no shared, robust set of public reasons. On this model, individuals are seen as possessing complete, transitive preference rankings, arising out of their most fundamental value commitments. Having excluded these fundamental commitments from the sphere of public reason, the resulting political preferences lack support; including these commitments, on the other hand, removes the possibility of consensus or legitimacy.

To see how this understanding of the fact of reasonable pluralism gives rise to the dilemma, let us return to the claim that the fact of reasonable pluralism requires that we both *do* not and *should* not expect or seek agreement on fundamental questions of value and fact. How are we to understand this claim? We might take it to mean that, given the apparent futility of trying to attain such agreement, we should not make the attempt. However, this interpretation is overly strong—what we cannot do is make the legitimacy of our political institutions contingent on achieving such agreement. On Rawls's model, however, *some* agreement is necessary for legitimacy, since we need a set of shared reasons from which to draw on in justifying our political decisions. As Waldron's argument makes clear, however, if we try to ground this agreed-upon set of reasons in more fundamental, non-shared reasons, we cannot trust their justificatory force. Furthermore, the fact of reasonable pluralism, when it is understood as consisting in incompatible, individually held comprehensive conceptions, ensures that the most

fundamental reasons that ultimately support our political reasons will not be shared. Waldron's argument makes clear that our shared political reasons will often only carry justificatory force when supported by non-shared reasons grounded in our comprehensive religious or philosophical views. If we exclude these non-shared reasons from our deliberative process, our political reasons will fail to justify our decisions. Rawls's argument makes clear that legitimacy depends on our ability to draw on a shared set of public reasons to justify our political decisions. Yet this is precisely what the fact of reasonable pluralism, on this interpretation, rules out. The fact of reasonable pluralism denies that we should make the legitimacy of our political decisions contingent on agreement on reasons grounded in our comprehensive conceptions; yet, without such agreement, our shared public reasons will lack justificatory force.

We can approach the same problem from Waldron's position. Waldron, *contra* Rawls, takes the truth of the doctrines involved in public reason to be paramount. However, Waldron, like Rawls, takes these comprehensive conceptions of the good to be mutually exclusive—the truth of one of them rules out (at least) many others. Moreover, Waldron acknowledges that we cannot (and should not) expect individuals with incompatible doctrines to convert to ours; at the very least, such a conversion cannot and should not be a barrier to political participation. However, so long as these comprehensive doctrines are a source of dispute, political decisions justified by reference to them will lack legitimacy.

To better see how the account of pluralism implicit in Rawls's and Waldron's model gives rise to the dilemma between justification and legitimacy, consider the following example. Take a society consisting of four individuals, each with a different

comprehensive conception of the good: Abe, a utilitarian; Beth, a Kantian; Charles, a Catholic; and David, a Lockean. In forming their society, each considers whether or not to support an egalitarian principle giving priority in the distribution of resources to the worst-off. Abe consents, due to the declining marginal utility of money, which makes an egalitarian distribution utility maximizing. Beth also consents, out of the duty of benevolence. Charles accepts the principle on the grounds that it is part of Catholic doctrine to help the poor, as in the Parable of the Sheep and the Goats.[69] Finally, David accepts the principle on the grounds that, at the time of society's formation, an egalitarian distribution is necessary to satisfy Locke's restriction to leave "good enough for others" in the accumulation of property.[70] On the above grounds, each of the individuals involved consent to a policy of redistributing resources from the better off to the worst-off, forming an overlapping consensus.

On the Rawlsian (and thus, on Waldron's) picture, the above suffices to make the egalitarian distribution both legitimate and justified. However, let us consider a situation in which the egalitarian principle of distribution must be reinterpreted in light of societal changes. Let us assume that, due to some new economic research, it is found that further redistribution from the wealthiest to the worst-off would improve the situation of the worst-off (that is, that such redistribution would not decrease overall economic growth to the extent that the worst-off group would suffer). Furthermore, assume that such a policy of redistribution gains the assent of Abe, Beth, and Charles. Consider now how David should deliberate when choosing whether or not to vote for the proposed redistribution.

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[69] Mt. 25:31-46

[70] John Locke, *Two Treatises of Government*, Peter Laslett, ed. (New York, NY: Cambridge University Press, 1988), 287-288.

On the one hand, David has assented to a principle of egalitarian distribution aimed at maximizing the resources available to the worst-off group in society, in light of his commitment to the sufficiency criterion of Locke's view of property rights. He was able to assent to this principle before society was formed because (he believed) there were no binding pre-existing claims on resources that would make redistribution impermissible. On the other hand, David judges that this is no longer the case—since the state has been formed, individuals have mixed their labor with available materials and now possess a claim on the resulting products that may not be set aside. According to the public reason restriction, David must not appeal to his comprehensive conception of the good in deciding how to vote—that is, he must not appeal to the absolute claims that individuals hold over their property in considering the proposed redistribution. However, the normative force of David's initial approval of redistribution depends on precisely this comprehensive conception of the good.

There are two ways of formulating the problem of deliberation that David faces. The first describes the problem of one of cognitive dissonance. His bracketing of the principles that he takes to govern the proper disposition of individual holdings forces him into a position where he must both endorse the redistribution (on the grounds of the principle he accepted before) and judge that it would be unjust (because it would violate the claims that he takes individuals to have over the products of their labor). This is surely a problem, but not a fatal one. If Rawls's theory provided for both robust justifications and legitimate political institutions, we might accept widespread cognitive dissonance as the price we had to pay for a stable political order. However, the problem of deliberation David faces is deeper than cognitive dissonance; let us call this second

formulation the problem of normative incoherence. David takes the claims individuals have over the products of their labor to function as side-constraints on their distribution (or, in this case, redistribution). That is, when considering his entire comprehensive conception of the good, David judges that only resources not already mixed with an individual's labor are candidates for egalitarian distribution; once an individual has staked a claim to some resources through the application of their labor, the resulting product cannot be redistributed without violating their rights. If David is forced to bracket his Lockean commitments, not only will he endorse a distribution that he judges a grave injustice (that is, the cognitive dissonance interpretation), his original endorsement of the egalitarian distributive principle will lack normative force. Only by considering his entire comprehensive conception can he see the egalitarian principle as normatively salient. Once he has introduced his comprehensive conception of the good, he must also take the property rights of individuals as trumping the egalitarian principle. By hypothesis, David's Lockean commitments will not be shared by his fellow citizens, and must therefore be excluded from his deliberations, forcing him into the dilemma.

Examples such as David's can be multiplied, involving competing principles or values, or contingent justifications, and so on. The take-away, though, is the relation between the fact of reasonable pluralism (as Rawls and Waldron understand it) and the problem of normative incoherence. The problem of normative incoherence arises from three features of the fact of reasonable pluralism. First, the fact of reasonable pluralism takes it as given that individuals will disagree about their most fundamental normative commitments, and holds that we should not seek to resolve such disagreements as a condition of political engagement. Second, the fact of reasonable pluralism requires our

political principles to be justified by reference to these non-shared fundamental normative commitments; we are not to expect that individuals will endorse the shared political principles except insofar as these principles are derived from more fundamental normative commitments. Finally, individuals are to both endorse their own fundamental normative commitments as true[71] and view other's commitments as false, while bracketing such commitments when engaging in political deliberation.

Part V: Value Pluralism, Reasonable and Genuine

Rawls's fact of reasonable pluralism requires individuals to set aside their deepest normative commitments, which they regard as true, in favor of political principles that have only derivative normative force, and which they regard as merely reasonable. Such a requirement ensures that individuals engaging in political deliberation will both face widespread cognitive dissonance and will regard their political decisions as ultimately unjustified. So long as pluralism is seen as a matter of incompatible truth-claims, the dilemma between justification and legitimacy will arise and, moreover, the problem of normative incoherence will plague our political deliberations. If we are to avoid these problems, we need a new account of pluralism in liberal societies, which does not require this bifurcation of our reasoning into the personal and the political.

The root of the dilemma for public reason lies in the sociological nature of the fact of reasonable pluralism, and its assertion that citizens' comprehensive conceptions of the good are, at least sometimes, wholly incompatible. Rawls's account of the fact of reasonable pluralism is sociological insofar as it is grounded in the empirical claim that,

[71] Or whatever truth-analogue is appropriate.

in modern liberal democracies, citizens will come to endorse a variety of incompatible comprehensive conceptions of the good. Although the fact of reasonable pluralism has important normative implications—for example, part of Rawls's project is to reconcile us to the fact of reasonable pluralism itself—and the notion of the "reasonable" is, of course, a normative notion, the fact of reasonable pluralism takes no stance with regard to the value of any particular comprehensive conception itself.[72] Indeed, according to Rawls, it is entirely possible—and perhaps likely—that, from the standpoint of any particular comprehensive conception, a citizen will judge that every alternative conception is fundamentally mistaken (albeit reasonable). To treat the comprehensive conceptions of our fellow citizens as false (albeit reasonable) is to judge that their pursuits, projects, and so forth are not actually valuable, and that a life led according to the goals endorsed by alternative conceptions is a life that fails to realize any genuine value.[73]

It is this feature of Rawls's fact of reasonable pluralism that generates the dilemma for public reason. So long as each comprehensive conception is committed to the falsity, at least potentially, of every alternative conception (while recognizing their reasonableness), any reason grounded in a comprehensive conception will not be suitably shared, since other comprehensive conceptions will reject the truth and value of the moral, metaphysical, and empirical claims that constitute the comprehensive conception in question. Any account of value pluralism that does not involve a commitment to the genuineness of a plurality of values, such as Rawls's fact of reasonable pluralism, will

[72] See, for example, Rawls's discussion of the "reconciliation" function of political philosophy in *Justice as Fairness: A Restatement*. John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 3-4.

[73] This need not be true of every comprehensive conception, of course, although the more comprehensive the conception, the more likely it will be to judge competing conceptions as fundamentally misguided or without genuine value.

face the dilemma for public reason outlined above. If we are to escape this dilemma, then, we have two options: we can either reject value pluralism itself, affirming a monistic standard of value, or we must articulate an account of value pluralism that affirms the value of a plurality of conceptions of the good. The first option is unpalatable for liberal theorists, for all the reasons Rawls offers in his defense of the fact of reasonable pluralism.[74] If, as Rawls argues, we cannot expect consensus on a single comprehensive conception of the good in modern liberal societies, any denial of value pluralism would require us to abandon the principle of reciprocity and would, in turn, demand substantial revisions to our account of political legitimacy to eliminate its reliance on shared reasons.

On the other hand, we can retain our commitment to the principle of reciprocity and its associated account of legitimacy if we revise our account of value pluralism. In particular, if we can articulate and defend an account of value pluralism that recognizes and affirms not merely the reasonableness but the value of a diversity of ways of life, projects and commitments—that is, a diversity of not merely reasonable but genuinely valuable comprehensive conceptions—we can avoid the dilemma for public reason outlined here. The remainder of this dissertation aims at articulating and defending such a conception of value pluralism. Let us call such a conception *Genuine Value Pluralism*, as compared to Rawls's *Reasonable Pluralism*. What makes genuine value pluralism genuine is its commitment to the claim that there are a plurality of genuine values, not merely a plurality of reasonable theories of value.

[74] Although, as we shall see in Chapter Three, it is possible to defend a liberal political order from a monistic standpoint—such as the defense of toleration and liberty in Mill's famous essay "On Liberty." John Stuart Mill, "On Liberty" in *On Liberty and Other Essays* (New York, NY: Oxford University Press, 1991), 1-128.

If genuine value pluralism is to avoid the dilemma for public reason, it must answer to questions: (1) What kinds of considerations are we to appeal to in justifying our political decisions? (2) In what sense are these reasons shared? Although the following chapters will deal with each of these topics in turn, let me offer a few brief remarks on genuine value pluralism and the dilemma for public reason. Genuine value pluralism emphasizes not merely the reasonableness of some set of comprehensive doctrines, but their value. Since it recognizes a plurality of these values, and affirms the truth of value-claims deriving from them, political decisions will be justified whenever they are grounded in genuine values; Chapter Two offers a full account of how justification is possible under conditions of genuine value pluralism.[75] Having defended the possibility of justification under conditions of genuine value pluralism, Chapter Three returns to the subject of public reason, and argues that genuine value pluralism satisfies the reciprocity condition whenever citizens are willing and capable of affirming the truth of value pluralism itself, and of recognizing and affirming the value of alternative conceptions of the good. Since genuine value pluralism can provide both the resources necessary for justifying our political decisions as well as an account of how these justifications can proceed by way of suitably shared reasons, it offers us a way out of the dilemma for public reason. Finally, in Chapter Four, I consider two potential challenges to genuine value pluralism as a foundation for liberalism, arguing that the apparent difficulties actually indicate the profound advantages genuine value pluralism offers liberal political theorists.

[75] As we shall see in Chapter Two, the account of justification that genuine value pluralism offers is more complicated than this brief sketch indicates.

Chapter Two:

Pluralism and Practical Reason

In the 1982 film, a Mongol general asks Conan the Barbarian, "What is best in life?" In response, Conan replies, "To crush your enemies, see them driven before you, and to hear the lamentation of their women."[76] Conan is wrong. He is wrong, in fact, in two distinctive ways. First, and most obviously, Conan is *normatively mistaken*—his evaluative judgment about what is best, all things considered, is unjustified.[77] I will contend that, given some assumptions regarding value pluralism, there is a second way in which Conan is wrong. Conan is wrong to think that there is a determinate answer to the Mongol general's question at all. That is, if value pluralism is true in any robust sense, Conan should have replied that there is no single thing that can truthfully be called "best in life". The topic of this chapter is how, precisely, we should understand pluralist Conan's reply and the reasoning that lead him to it.

I begin by considering a simple model of values, in which values provide us with rankings of options. I combine this model with some basic requirements for a genuinely pluralist theory of value, and consider how we should understand values and the role of practical reasons under these conditions. By starting with some minimal conditions that any genuinely pluralist theory of value must accept, we can derive a robust incommensurability claim: namely, that when we choose from a suite of options ranked differently according to independent values, there will often be no option that is at least

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[76] *Conan the Barbarian*. Dir. John Milius. Universal Pictures, 1982. Film.

[77] I hope this claim is not controversial.

as good as any other option. That is, I show that combining the ranking model of value with value pluralism entails that we cannot (consistently or assuredly) arrive at an overall ranking of options, generated from the independent rankings our individual values provide us. If this is true, we will either need to revise the ranking model of value or the role of practical reason. By doing both, we can make sense of our choices between incommensurable values. Finally, I attempt to extend the lessons learned concerning practical reason to public reason, consider a difficulty in doing so, and begin to sketch a response to this difficulty.

Part I: Practical Reason and the Ranking Model of Value

Section I.1: Single-Value Systems

Let us begin with the simplest account of the relation between our values and our practical deliberations, a single-value single-ranking account, that is, value monism. On this view, our practical deliberations are guided by a single value, which provides us with a complete ranking of possible consequences of our acts, and directs us to realize whichever state of affairs occupies the highest position (or to realize one of the states of affairs that are tied for the highest position). The paradigmatic example of such an account is hedonistic utilitarianism. Here, we have a single value—aggregate pleasure-states—providing a complete ranking of possible acts according to the amount of aggregate pleasure they realize. Our practical deliberations consist in considering possible actions in light of the total pleasure they will bring about, and then finding the

best means to realize whichever state of affairs contains the greatest pleasure.[78] Every possible result is wholly commensurable with every other possible result, since there is a single dimension of value along which relevant comparisons are to be made. That is to say, for any two possible outcomes we consider, it will always be the case that either the first is preferable (ranked higher) to the second, the second is preferable (ranked higher) than the first, or we are indifferent (ranked equally) between them. Furthermore, the ranking generated by our attending to aggregate welfare as the sole value will be complete, since each option is commensurable with each other option, and the ranking is transitive.[79] This kind of theory is monistic, then, in two senses. First, it holds that there is only one kind of value (namely, welfare or pleasure)—that is, all choices are to be determined by reference to how much pleasure or welfare will result. Second, it holds that there is only one valuable thing, namely, the pleasure or welfare of sentient creatures (or persons, depending on the details of the theory). Everything else, then, is valuable only insofar as it contributes to the pleasure or welfare of sentient creatures (or persons).

This simple picture of practical deliberation is inconsistent with any genuinely pluralist theory of value. Of course, there is an ersatz pluralist theory of value compatible with the simple picture, which takes the plurality to apply not to values, but to value-bearers. On this view, we are to recognize that there is a great variety in the kinds of things that can be valuable—and, indeed, in the ways that they can be valuable—while rejecting that there is more than one value for these value-bearers to have. In fact,

[78] The distinction between generating the ranking and finding the best means may be collapsed, since the means we use to bring about the desired end will, of course, also have some influence on (and thus must be included in the calculation of) the amount of aggregate pleasure in the resulting state of affairs.

[79] That is, if I prefer A to B and B to C, I will prefer A to C. Similarly, if I am indifferent between A and B, and prefer C to B, I will prefer C to A as well.

theories of value may be seen as more or less pluralist to the degree that they depart from, or remain in accordance with, the single-value single-ranking theory of value outlined above. Let us now consider some of the ways our theory of value (and its relation to our practical deliberations) might depart from the simple case of hedonistic utilitarianism. First, we might introduce additional values, perhaps to better capture the differences in the way we relate to the objects, persons, and pursuits we take to be valuable. Accepting the salience of multiple values for our practical deliberations is the minimum required of any theory of value that purports to be pluralist.

Could there be a way to maintain both a monist theory of value while admitting a greater range of kinds of value-bearers to enter into our deliberations? We can imagine one such attempt (call this Aristotelian monism) running roughly as follows. The Aristotelian monist holds that there is only one value: a good or happy human life (*eudaimonia*). Everything else is valuable in so far as it contributes to living a good or happy life, but there are many kinds of things that can be contributors to such a life (character virtues, the excellences of practical and theoretical reasoning, and so forth).[80] Unlike the hedonistic or welfare utilitarian considered above, the Aristotelian monist does not need to claim that there is only one kind of value-bearer, since on this view, one is choosing between distinct contributors to the good life, and not (directly) choosing the good life itself. However, depending on how the details of the view are filled in, Aristotelian monism either must abandon its claim to distinct value-bearers or abandon its claim that the good or happy life determines a complete ranking of possible combinations

[80] Named, of course, after Aristotle's defense of the claim that happiness (*eudaimonia*) is the final end of all human activities. Aristotle, *Nicomachean Ethics*, trans. Christopher Rowe (New York, NY: Oxford University Press, 2002).

of contributor values. That is, if the Aristotelian monist accepts the claim that the good or happy life determines a complete ranking of options, then there is no deliberative work left to be done for the contributor values, whose importance is entirely determined by the general ranking provided by the good or happy life. In this event, Aristotelian monism ends up indistinguishable from hedonistic or welfare utilitarianism, only substituting in "the good or happy life" for utility. On the other hand, if Aristotelian monism gives up its claim that the good or happy life determines a complete ranking of options, then, on the ranking model of value, the good or happy life ceases to play the role required of values—leaving the rankings to the independent contributor values. This latter kind of Aristotelian monism then satisfies the requirements for a genuinely pluralist theory of value—but as we shall see, it will also introduce a strong incommensurability result regarding the aggregation of the contributor values into an overall ranking. Thus, by taking this option, the Aristotelian monist gives up any claim to the "monist" label.

Section I.2: Many-Value Systems with a Common Currency Value

Among theories that accept the salience of multiple values for practical deliberations, we may distinguish between those that accept and those that reject what I will call the No Common Currency Thesis (NCCT). NCCT is the thesis that there does not exist a single value in terms of which every other value can be expressed; in other words, among our many values, there is none which occupies a privileged position of comparison. Let us consider what a theory that rejects NCCT might look like.

Take a more sophisticated utilitarian theory of value than the hedonistic theory outlined above. Our current utilitarian, call her a pluralist utilitarian, admits of a

difference in kind between aesthetic and moral values, for example, and recognizes that the ways in which we engage with these values are quite different. Furthermore, this pluralist utilitarian accepts that aesthetic and moral values may generate quite different rankings of possible actions. However, our pluralist utilitarian rejects NCCT, offering an account of 'utility' as a common currency of comparison. Whenever we face a choice where both moral and aesthetic values are salient, we are to translate the amount of aesthetic or moral value into utility terms, which then provide us with a complete ranking of possible states. In this way, our pluralist utilitarian seems to endorse a many-value single-ranking theory of value.

In so far as our pluralist utilitarian rejects NCCT, however, she cannot maintain her claim to be a pluralist. If both moral and aesthetic values are translatable into the common currency of utility—and are translatable in such a way that we can make meaningful statements of the kind "*x* amount of aesthetic value *A* is worth *y* amount of moral value *M*"—we should doubt that there are really two (or three) kinds of value here at all. Since both moral and aesthetic values are both expressible in terms of the common currency value, we should suspect that there is really only one value here—utility—wearing two faces. Indeed, our pluralist utilitarian's original claim to the distinctness of moral and aesthetic values involved the claim that these two kinds of value may generate quite different rankings. However, once she has rejected NCCT, she cannot maintain this claim to distinctness.

To see why this is so, consider a case where our moral and aesthetic values appear to diverge. Here, the pluralist utilitarian directs us to translate each of the two divergent values into the single currency of utility, and act as utility directs. But we need not only

carry out this translation in the case of conflicts—if utility is truly a common currency, we should, in principle, be able to carry out the translation when attending only to aesthetic value. Having done so, however, either the translated ranking will be the same as the original aesthetic ranking or it will not. If it is not the same, then we will need some account of the divergence between aesthetic value and utility; in fact, we will need a common currency between aesthetic value and utility. From this point, a vicious regress emerges. On the other hand, assume that the ranking remains constant through the translation from aesthetic value to utility. Then, let us likewise translate our moral value to utility; presumably, the ranking provided by our moral value will also survive the translation unaltered.[81] However, according to our original supposition, the two translated rankings will now diverge—our aesthetic-to-utility ranking (preserved during the translation) will not agree with our moral-to-utility ranking (likewise preserved during translation). Utility, it turns out, cannot be used as a common currency to generate a single complete ranking of divergent values.

If our pluralist utilitarian insists on taking utility as a common currency, she must allow that the rankings provided by our different values—in this case, moral and aesthetic—cannot diverge, on pain of generating inconsistent utility-rankings. If she maintains this position, however, she lacks any grounds for asserting that moral and aesthetic values are genuinely different values at all, since they do not generate divergent rankings and are mutually inter-translatable. She is forced back to the position of the single-value single-ranking theory accepted by the hedonistic utilitarian above. Consider what would happen if our sophisticated utilitarian were to assert the inter-translatability

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[81] If it does not, the same vicious regress will emerge for the relation between utility and moral value as arose in the case of aesthetic value and utility.

of moral and aesthetic value. Let us assume, for the sake of argument, that an acceptable weighing scheme could be derived for translating moral and aesthetic values into a common utility measure; say, each unit of aesthetic value is worth .5 units of moral value. In cases where values conflict, the sophisticated utilitarian would then add up the conflicting values. If some option A was worth 2 units of aesthetic value but -3 units of moral value, the total value would be equivalent to -4 units of utility. If some other option B was worth -1 units of aesthetic value but 2 units of moral value, its total utility would be 3 units, and B would be preferred to A, according to the utilitarian calculus. In this way, the sophisticated utilitarian might hope to maintain both the independence of values (in the sense of different values providing different rankings) as well as the common currency of utility.

However, there are two serious problems with the proposed solution. First, it is implausible that we could derive an acceptable weighing of aesthetic values against moral values, especially one that permitted a cardinal ranking of options. Even focusing our attentions on a single kind of value, we typically find such attempts absurd; questions like "How many of Mozart's concertos are worth one book by James Joyce?" strike us as not only unanswerable, but as missing the nature and structure of aesthetic value altogether. If we cannot typically give cardinal rankings within a single kind of value, we should not expect to be able to do so when the values in question are of fundamentally different kinds.

Moreover, accepting utility as a common currency, as our sophisticated utilitarian wants us to do, undermines our confidence that we are dealing with distinct values at all. If moral and aesthetic values are inter-translatable, what grounds do we have for asserting

that there are two distinct values in play, rather than different aspects of each option that confer different amounts of value? Value monists, no less than pluralists, recognize that options may be good in one respect and bad in others, while maintaining that the overall value of options is a matter of how to add up their good and bad qualities. Consider a classic utilitarian thought-experiment of the trolley case, where we are directed to sacrifice the life of one person to save five others. Here, the sacrifice involves one bad aspect (the life lost by throwing the switch) and a distinct good aspect (the five lives saved). Likewise, tradeoffs between moral and aesthetic value that face our sophisticated utilitarian involve two aspects of evaluation, but only one standard of value (utility). The fact that moral and aesthetic values seem to differ in kind should not deceive us into thinking that there are distinct values in play. After all, unsophisticated utilitarians claim to be able to aggregate utility across options that display radically different features, as would be the case when facing tradeoffs between small pleasures for many people against the deaths of a few.

Another way of recognizing the hidden monism of our sophisticated utilitarian is by attending to the action-guiding character of value. Holding or respecting a value is a matter of taking it as salient for one's choices, as making a difference in how one deliberates. Of course, for some choices, a particular value may not make a difference for our deliberations; conversely, we may sometimes be able to respect or attend to a value outside of the context of practical deliberation, as may be the case in moments of aesthetic appreciation. Nonetheless, limiting our attention to choice situations, if we find that some value never makes a difference for our practical reasoning, we should, to that extent, doubt that we are respecting or attending to the value. For the sophisticated

utilitarian, the only value that is ultimately salient for choice is utility. While other values may seem to feature in the calculation of utility, it is, in the end, utility and not any other value that determines what the sophisticated utilitarian ought to do. Since, for any choice, the sophisticated utilitarian could reason solely in terms of utility, ignoring every other supposedly distinct value, only utility is action-guiding in the right way to count as a distinct value. Other values are only relevant for choice in so far as they contribute to the calculation of utility. And if this is true, we have no grounds for accepting that there are values distinct from utility at all, only distinct features of objects in virtue of which they have positive or negative utility.

Section I.3: Many-Value Systems without a Common Currency Value

Thus, accepting NCCT is required for any genuinely pluralist theory of value. Having accepted NCCT, can we nonetheless derive a single ranking of options out of the independent rankings provided by our distinct values? As we saw above, accepting NCCT involves rejecting the claim that our values provide us with inter-translatable cardinal rankings. We might thus respond to NCCT by rejecting the cardinal ranking requirement of a common currency value, and hold that our independent values provide us with only ordinal rankings of options. That is, each value provides us with a ranking of possible acts from best-to-worst, but does not give us information regarding how many units of one value are worth one unit of another value. Is there a way to aggregate these independent rankings into an overall ranking of total value?

In a word, no. Let us consider how such an aggregation mechanism might work. Having abandoned our claim to values providing cardinal rankings, we might instead

treat each value as providing an ordinal ranking, and then aggregate by treating each ordinal ranking as a vote or decision criterion. The overall ranking of value would then be the result of the vote held between our values. Furthermore, let us be as charitable as possible and assume that we can solve the problems of specifying the relevant values, especially the problem of how fine-grained we should be in generating our rankings. Let us thus assume we have found three values relevant to our decision, *V1*, *V2*, and *V3*. Each of these three values provides us with a ranking of our options **X**, **Y**, and **Z**, such as *V1*: **X**, **Y**, **Z**; *V2*: **X**, **Z**, **Y**; and *V3*: **Y**, **X**, **Z**. From these three values, we want to derive a single total ranking. Since option **X** receives two first-place votes, it should be ranked first. Since option **Z** receives two last-place votes (and no first-place votes), it should be ranked last. This leaves option **Y** to receive the middle place finish. Thus, our total value ranking is *VT*:{**X**, **Y**, **Z**}.

We can show the impossibility of such an aggregation through an application of Arrow's Impossibility Theorem.[82] Let us assume that each value provides an independent ranking of possible states, from best to worst, with respect to that value. So, for example, attending to the value of freedom (suitably defined) would provide us with a ranking of possible political arrangements—say, systems of resource distribution—ordered by the degree to which either satisfy or exhibit freedom. Similarly, we can rank possible systems of resource distribution by their contribution to or exhibition of the value of equality. Obviously, these two distinct criteria may provide different orderings.

[82] Kenneth Arrow, *Social Choice and Individual Values* (New York, NY: John Wiley and Sons, Inc., 1963). Readers who are either familiar with Arrow's theorem, or who are not invested in having the proof demonstrated, may skip the remainder of this section without loss. For a fuller formal treatment of incommensurability and practical reason, see especially Isaac Levi, *Hard Choices: Decision Making under Unresolved Conflict* (New York, NY: Cambridge University Press, 1986).

So, assuming our possible candidate distributive systems number three, we might have the value of freedom rank them *F*: {**X**, **Y**, **Z**} while the value of equality might rank them *E*: {**Y**, **Z**, **X**}.

If we are to move from a many-value, many-scale theory of value pluralism to a many-value, single-scale theory, we will need some function that will aggregate our individual value rankings into some overall ranking. As I argued earlier, we should reject any cardinal ordering by values; the rankings that our values provide us are, at best, ordinal.[83] Furthermore, we will want the overall ranking (generated out of the particular rankings that each individual value provides) to meet some basic requirements if it is to remain genuinely pluralist. First, no single value should be decisive; that is, no value should trump every other in determining the order of possible states on the aggregated ranking.[84] Second, the aggregated ranking should be a complete ordering of the options under consideration, and the ranking must be supervenient on, and determined by, the rankings provide by each individual value (so that there can be no difference in the aggregated ranking without a difference in the individual rankings).[85] Furthermore, let us add some basic requirements of rationality for the aggregation function. First, let us assume that, for any pair of possible states, the ranking of that pair in the aggregate depends only on the ranking of that pair by the relevant values. That is, assume we have

[83] That is, the ranking provides us with information about the order of preference among the options, but does not give us information about how "far apart" any two options are (that is, it does not tell us, for example, how much worse an option is than one ranked above it).

[84] This is equivalent to the non-dictatorship requirement of Arrow's Impossibility Theorem.

[85] This is equivalent to the unrestricted domain requirement. The unrestricted domain requirement in the context of practical deliberation under conditions of pluralism requires that each value get a vote, and that the aggregation function should rank every option voted on. Furthermore, the aggregation function should be consistent across choices—if one is faced with two choices, and the values one considers vote the same way in both cases, the overall ranking should remain the same in both cases.

three possible political arrangements, {**X**, **Y**, **Z**}. Our aggregated ranking of {**X**, **Y**} should depend only on the rankings our individual values provide for *X* and *Y*; the position of *Z* should not determine the ranking of {**X**, **Y**}.[86] Furthermore, if some option (say, *Z*) is preferred by every individual value to *Y*, the aggregated ranking must prefer *Z* to *Y*.[87] Finally, assume that the aggregated ranking cannot be cyclical, that is, it is not the case that **X** is preferred to **Y** is preferred to **Z** is preferred to **X**.[88]

Given the above requirements for our aggregated ranking, we can show that no aggregation function can satisfy all requirements simultaneously. In what follows, I will offer an informal statement of Arrow's Theorem, as applied to the case of practical deliberation under conditions of value pluralism; for a full statement of the proof, I direct readers to Arrow's monograph, *Social Choice and Individual Values*.

First, we will show that if a value is decisive for any pair-wise choice, it will be a dictator—that is, its ranking will determine the overall ranking, regardless of how the other values rank the options. A value is decisive for some pair-wise choice if that value alone determines how the two values are ranked in the aggregate, regardless of how every other value ranks them. Assume there are three values, *V1*, *V2*, and *V3* and three options to be ranked, **X**, **Y**, and **Z**. Furthermore, assume that *V1* is decisive for the choice between **X** and **Y**. Let *V1* rank the options {**X**, **Y**, **Z**}. Let *V2* and *V3* prefer **Y** to every other option—it does not matter, for the moment, how they rank **X** and **Z**, so long as both **X** and **Z** are ranked below **Y**. Since *V1* is decisive for **X** over **Y**, we know that the

[86] This is equivalent to the Independence of Irrelevant Alternatives requirement.

[87] This is equivalent to the Pareto Efficiency requirement.

[88] This follows from the fact that the ranking generated from the aggregation function is complete and transitive. To see this, assume that A is preferred to B, and B to C. By transitivity, A must be preferred to C, and thus, there cannot be a cyclical ordering of A, B, and C.

aggregate ranking must prefer **X** to **Y**. Since every value ranks **Y** over **Z**, the Pareto requirement entails that the aggregate ranking must rank **Y** over **Z**. Since, in the aggregate, **X** is preferred to **Y** and **Y** is preferred to **Z**, transitivity entails that the aggregate must prefer **X** to **Z**. By the Independence of Irrelevant Alternatives, we know that the ranking of **Y** and **Z** cannot determine the ranking of **X** and **Z**—that is, *V2* and *V3* have no role in determining the aggregate's preference of **X** over **Z**.[89] Thus, if *V1* is decisive for the choice of **X** over **Y**, it must also be decisive for the choice of **X** over **Z**. Equivalent arguments can be easily constructed to show that if *V1* is decisive for the choice of **X** over **Y**, it must be likewise decisive for the choice between **Y** and **Z**. Thus, if *V1* is decisive for the choice of **X** over **Y**, it is decisive for every pair-wise choice—and is thus a dictator.

All that remains is to show that there must be a decisive value for any possible aggregation mechanism. Let a set of values be decisive for some choice if the rankings of those values jointly suffice to determine aggregate ranking of the pair of options under consideration. We know that there must be some such set of values for any choice, since every set of values will generate a unique aggregate ranking (by the Unrestricted Domain requirement and the Pareto requirement). That is, there must be some set of values that jointly suffice to determine a ranking of any two options, even if that set is just the set of all values that are being aggregated. Since there must be some set of decisive values for any particular ranking of two options, there must be some smallest decisive set for a

[89] To see this, consider that the only information we have regarding *V2* and *V3* is their preference for **Y** above all else; nonetheless, we have shown that the aggregate must prefer **X** to **Z**. Since the Independence of Irrelevant Alternatives entails that the ranking of **Y** not determine the ranking of **X** over **Z**, we know that *V2* and *V3* have no role in determining the aggregate preference of **X** over **Z**.

particular ranking of two options.[90] Call this smallest set of decisive values *V*, and let it be decisive for some choice between two values **X** and **Y**. Since we know that a single value that is decisive for a choice between any two values is a dictator, and that an acceptable aggregation function must not have a dictator value, *V* must have contain at least two member values. Now divide *V* into two parts: *V1*, consisting of just one member and *V2*, consisting of the remaining members of *V*. Finally, let *V3* be the set of all the values that were not part of *V* (but that still have a vote). Now assume that *V1* ranks the options: **X, Y, Z**. Every member of *V2* ranks the options **Z, X, Y**, and each member of *V3* ranks them **Y, Z, X**. Since we know that *V* is decisive for the choice between **X** and **Y** (and is composed of two subsets, each of which ranks **X** above **Y**), the aggregate ranking must rank **X** above **Y**. Now, the aggregate ranking cannot rank **Z** above **Y**, since that would make *V2* decisive for the choice between them, and *V2* is a proper subset of *V*, which is (by hypothesis) the smallest decisive set. Thus, the aggregate ranking must rank **Y** above **Z**. Since we have already shown that the aggregate ranking must rank **X** above **Y** and **Y** above **Z**, by transitivity, we can infer that **X** must be ranked above **Z**. But this reveals that the sole member of *V1* is decisive for the entire aggregate ranking, and is thus a dictator. If we deny that *V1* is a dictator, we will be unable to generate a complete ranking, since (by pair-wise comparisons) **X** will be ranked above **Y**, which is ranked above **Z**, which is ranked above **X**.

The attempt to construct a single ranking out of multiple values cannot succeed. Any genuinely pluralist theory of value cannot take an aggregated, overall, or all things considered ranking of options as the goal of practical deliberation. We have seen that no

[90] If there is more than one set of decisive values of the same size, then pick one arbitrarily.

account of aggregating across values is acceptable for a genuinely pluralist theory of value. Single-value systems are trivially incompatible with genuine value pluralism; although they may admit of a plurality of value-bearers, this is not sufficient for genuine value pluralism. Many-value systems offer a chance at being genuinely pluralist, but run into insurmountable problems when attempting to aggregate their many values into a single overall ranking. We have good reason to reject claims that our values provide us with cardinal orderings—such a claim is implausible (to say the least) when we attend to our actual practices of value. More tellingly, however, if a cardinal-ordering many-value system has a common currency value, we should, to that extent, doubt that the many values it purports to include are doing any real work. Instead, we should think that all the important business of practical reason is done only with regard to the common currency value—that every other purported value is merely the common currency value with a different face. That is, many-value systems that provide us with cardinal rankings devolve into single-value systems that admit of many value-bearers. If we doubt that having a multiplicity of value-bearers and a single value is sufficient for being genuinely pluralist, we should doubt that common-currency systems can be genuinely pluralist as well. Finally, we saw that no attempt to aggregate many values, each of which provides only an ordinal ranking, into a single ranking of overall value can be successful. Any such attempt will either fail to render a complete overall ranking of options or will rely on a single value to function as a dictator for the entire ranking. If we are to be genuine pluralists, we will have to see the business of practical reason to be something other than the generation of overall, all things considered, complete rankings of alternatives. There are two options available to the pluralist at this point. On the one hand, she may revise

the role of practical reason in the ranking model to account for Arrow's theorem, allowing what I call 'positional considerations' to play a role in selecting which value is to be decisive for choice. On the other, she may revise the ranking model of value, favoring instead a model where we are presented with multiple options which are neither better than, worse than, nor equally good as each other. The difficulty with the first option lies in accounting for how positional considerations can play such a role in practical deliberation. The difficulty with the second option lies in accounting for how practical choice between such incommensurable options can be rational.

Part II: Practical Reason under Conditions of Value Pluralism

Section II.1: Revising the Role of Practical Reason

If we are to remain committed to value pluralism—and retain the accompanying commitment to NCCT—while accepting the ranking model of value, we must provide a revised account of practical reason to deal with the consequences of Arrow's Impossibility Theorem. Arrow's theorem entails that, for any aggregation of values, there must be a dictator value that decides the overall ranking. However, which value is to be the dictator depends on the particular details of the choice situation—and it is this feature that the pluralist can exploit to maintain her commitment to both the ranking model of value and genuine pluralism. If we can appeal to some positional considerations in selecting a dictator value for a particular choice, we may retain the ranking model of value while paying sufficient homage to the genuine plurality of values.

What role do positional considerations have to play in our practical reason, and what sorts of considerations can we appeal to in deciding which value is salient for choice? I will not attempt, here, to give a full list of what kinds of positional considerations should feature in our practical deliberations. The range of positional considerations available to us in our deliberations is as broad as, if not broader than, the range of evaluative considerations. Among the positional considerations that can play such a role in our deliberative process are: personal projects, commitments, talents, personal historical facts, features of the choice situation, brute preferences or predilections, tastes, relationships, institutional affiliations, and so on. The preceding list should not be thought of as exhaustive, nor is the distinction between an evaluative and positional consideration always sharp. If the ranking model of value is to be saved, we will need to find some way of distinguishing evaluative from positional considerations, such that we are not merely introducing additional quasi-evaluative rankings into the aggregation mechanism. Doing so, of course, would only exacerbate the difficulties of moving from many incommensurable rankings to a decision about what, all things considered, is best. Let us begin, then, by offering some brief remarks on the distinguishing characteristics of evaluative and positional considerations.

The most important distinction to be made in explaining the difference between evaluative and positional considerations, and their respective roles in practical reason is the distinction between *valuing* and *judging valuable*. Evaluative considerations are those considerations that determine our judgment of value. That is, an evaluative consideration is one that licenses or justifies a judgment that some option is valuable, or licenses or justifies a judgment that some option X stands in some relation of comparative value to

some option Y.[91] Samuel Scheffler introduces this distinction by way of arguing that to value some X oneself requires more than (merely) believing (or judging) that X is valuable.[92] As Scheffler writes, "the proposal that to value X is simply to believe that X is valuable is unsatisfactory in any case, for it is not only possible but commonplace to believe that something is valuable without valuing it oneself."[93] Applying Scheffler's distinction to the ranking model of value allows us to recognize that ranking options according to some value involves forming beliefs or making judgments about the comparative value of the available options. That is, the simple model of practical reason, which claims that the business of practical reason is to rank options according to one or more values, only involves *judging valuable*, and not *valuing* (properly speaking). Merely judging valuable is not immediately action guiding; if I judge something to be valuable, but do not value it myself, my judgment does not entail that have reason to choose that option for myself. Thus, if I (merely) judge that X is more valuable than Y, I need not (necessarily) choose X over Y. In the case of (merely) judging valuable, then, there is no difficult problem posed by Arrow's Impossibility Theorem under conditions of genuine value pluralism. When we face a ranking of incommensurable values, we can be satisfied with a judgment that, for some particular pair of options X and Y, X is not better than, worse than, or equally as good as Y. The impossibility of generating a complete ranking of options is only problematic when we are forced to choose one option

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[91] That is, either one of the three standard comparative relations of better than, worse than, or equally as good as, or that X and Y are of incommensurable value (such that X is not better than, worse than, or equally as good as Y).

[92] Samuel Scheffler, "Valuing" in *Equality and Tradition* (New York, NY: Oxford University Press, 2010), 21.

[93] Scheffler, "Valuing" in *Equality and Tradition*, 21.

over another—and (merely) ranking our options according to their relative merits does not force us into any such choice. Evaluative considerations alone, then, are not sufficient to determine our choice of one option over another. If the role of evaluative considerations in practical reason is exhausted in determining our judgments of (comparative) value, positional considerations will have to fill the gap between our ranking of options and choice.

To see how positional considerations can fill this gap, we will need to attend to the role that they play in determining what we ourselves value, as distinct from what we judge or believe to be valuable. What more is required to value X oneself, instead of (merely) judging that X is valuable? Scheffler provides four conditions, individually necessary and jointly sufficient, involved in one's valuing X:

> 1. A belief that X is good or valuable or worthy.
> 2. A susceptibility to experience a range of context-dependent emotions regarding X,
> 3. A disposition to experience these emotions as being merited or appropriate,
> 4. A disposition to treat certain kinds of X-related considerations as reasons for action in relevant deliberative contexts.[94]

On the ranking model of value, the role of evaluative considerations is to produce in us the belief that some option exemplifies or instantiates some particular value—or, in Scheffler's terms, that some option is good or valuable or worthy. Since the belief that some option is valuable, or exemplifies some value, is insufficient for valuing that option or pursuit, something must be added to our belief that X is valuable for us to, in fact, value X. It is here that we can see how positional considerations can play a role in moving from (merely) judging some option to be valuable to (actually) valuing it. On Scheffler's view, what must be added to our judgment that X is valuable is some

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[94] Scheffler, "Valuing" in *Equality and Tradition*, 29.

emotional vulnerability to X, alongside a disposition to treat X-related considerations as reasons for action in relevant deliberative contexts. Since our judgment that X is valuable is insufficient to make it the case that we, in fact, value X, and the role of evaluative considerations is exhausted in determining our judgment that X is valuable, positional considerations must be appealed to in determining what we, in fact, value. As Scheffler says, "We speak of valuing things to different degrees, and of valuing some things more than others. To some extent these ordinal and comparative judgments reflect judgments about how valuable different things are. But to a great extent they are best understood by reference to differences of role, reason, and emotional vulnerability."[95] What we in fact value is underdetermined by our judgments of what is valuable—that is, in terms of the ranking model of value, our choices between options exemplifying or instantiating different values cannot be explained solely through appealing to either the individual rankings or any aggregated ranking. Positional considerations must have a role in justifying our choice between options.

Putting Scheffler's distinction between valuing and judging valuable together with the ranking model of value allows us to see how positional considerations can justify a choice between options that are not ranked on some overall scale of value. On the ranking model of value (under conditions of genuine pluralism), we are sometimes faced with a choice between options that are not ranked with respect to each other on any single scale of value. However, let us suppose that among the options that we are incapable of ranking, we actually value only one of them. That is to say, we judge that each of the options is valuable (or worthy or good), but refrain from judging that any of

[95] Scheffler, "Valuing" in *Equality and Tradition*, 30.

them are better than, worse than, or as equally good as the others. Nonetheless, we actually value only one of them. Furthermore, the fact that we value only one of the options (in Scheffler's sense of value) gives us good reasons to choose the option we value over either of the two options we only judge as valuable. Since the difference between options that we actually value and those that we only judge valuable cannot be explained in terms of some further judgment of comparative value, our selection of the option that we actually value must be explained by appeal to some positional considerations.

On my view, the move from (merely) judging that something is valuable to actually valuing it ourselves is a matter of taking some positional considerations to determine that the value we judge the option to have is the value salient for choice. When we (merely) judge that some option is valuable (on the ranking model of value) we place it on a ranking according to some value, but refrain from taking that value as relevant for choice; that is, we do not select it as the dictator value for the choice we are facing. By contrast, if I actually value some option, I not only produce the relevant kind of ranking, but take the value as a dictator value over some class of choices. Practical reason consists then in not only providing us with rankings according to our values, but determining which value is to be salient for a particular choice, by appeal to positional considerations.

Evaluative considerations—that is, rankings of options according to some evaluative standard—are *path-independent*. That is, our rankings of options according to some value should not depend on the historical chain leading up to the choice situation, except in so far as our prior states provide us with information about the values realized

by the various options. Alternatively, we can say that, since evaluative considerations are path-independent they should be invariant across time. That is, so long as new information has not been introduced our judgments about what is better or worse should remain constant. Whether or not I have a positional consideration in favor of picking one option over another may depend (partially or entirely) on the process that lead up to the situation of choice. Something has gone wrong with my judgment that Picasso is a better painter than Rembrandt if my judgment depends on features of my personal history alone. Of course, my judgment that Picasso is a better painter than Rembrandt will appeal to particular aesthetic considerations that I became aware of at particular moments in time, but it is these considerations themselves (and not when or how I became aware of them) that do all the work in justifying my judgment. By contrast, positional considerations may be deeply rooted in our personal histories and strongly influenced by the particular path we took in arriving at the choice situation. If I decide to eat Ethiopian food instead of Italian food, on the grounds that I had Italian food last night, my decision rests on a positional consideration. That is, I can decide to eat Ethiopian food while maintaining my judgment that Ethiopian food and Italian food are not rankable on any overall scale of value.[96]

Likewise, our evaluative considerations are typically grounded in features of the objects or options that feature in our rankings, and not in our particular relations to them.[97] Furthermore, since our overall rankings of comparative value do not appeal to what we ourselves value (as opposed to what we judge valuable or worthy), purely

[96] That is in terms of their deliciousness, healthiness, cost-to-quality ratio, and so on.

[97] These features need not, of course, be intrinsic or non-relational. "Causing pain in persons" is a relational property, of course, but can properly feature in generating rankings of options, and thus can properly count as an evaluative consideration.

evaluative considerations are typically agent-neutral, in Thomas Nagel's sense.[98] By contrast, positional considerations (that make it the case that we ourselves value some option) are typically agent-relative, depending in some fundamental way on our personal histories, projects, and so forth. Personal or brute preferences, if we have such things, are positional considerations in precisely this sense—they may give me a reason to choose option A over option B, but do not provide anyone else with any such reason. Personal relationships, commitments, and projects are likewise non-evaluative in this sense, although having such relationships, commitments, and projects may be recognized as agent-neutrally valuable.

On this view, genuinely pluralist theories of value can accept the conclusion of Arrow's Impossibility theorem by allowing some single value to be decisive in determining the aggregate ranking. Following Arrow's terminology, we will call any value that determines the overall ranking alone a *dictator* value. Which value is to be the dictator is to be determined by an exercise of practical reason, taking positional considerations to play the role of selecting a particular value as salient for a particular choice. Why think these positional considerations are genuinely different from our evaluative considerations, and different in such a way to play this role in practical reason (and to escape the problems posed by Arrow's Impossibility theorem)? One key feature to note is that these positional considerations do not typically provide us with rankings of options at all—my dining history, for example, may rule out Italian food as an option, but does not provide any further ranking of Chinese food or Ethiopian food. Likewise, my

[98] Thomas Nagel, *The View from Nowhere* (New York, NY: Oxford University Press, 1986). There may be cases in which evaluative considerations are agent-relative, and perhaps some cases in which non-evaluative considerations are agent-neutral, but these are exceptions to the general rule.

friendships, personal projects, and commitments need not be seen as ranking possible options according to how much value they realize or instantiate; rather, they can function to make some options unavailable (if, for example, some option would constitute a betrayal of a friendship) or making others obligatory (in the case of professional requirements). They may also make some options salient in a way that others are not, as in the case where I actually value only some (or one) options while merely judging that the others are valuable. Since these positional considerations are not treated as further rankings to be aggregated, but as constraints on which rankings may be taken as salient for choice, they are not susceptible to Arrow's Impossibility Theorem.

A puzzle still remains for the ranking model of value under conditions of genuine value pluralism: how are we to select the relevant options from among the range of possible acts, such that the above positional considerations can play a decisive role in choice? If we attend only to evaluative considerations, our rankings will include a number of options that we ourselves do not value, but (merely) judge to be valuable. Including all such options in our deliberations will be prohibitively difficult—if I am deciding what to do with my evening, I need not generate an overall ranking of options that includes activities and projects that are uninteresting to me, or which are strictly worse than any other option. If we are to have a workable model of practical reason under conditions of genuine value pluralism, we must offer some account of which options we are to consider when deliberating.

Section II.2: Revising the Ranking Model of Value

The ranking model of value purports to offer a way to achieve complete ordered rankings of options derived from the independent values that feature in our practical deliberations. However, as we have seen, such a hope is unachievable, at least as long as the ranking model hopes both to maintain NCCT and avoid making some value a dictator for choice. In the preceding section, I considered the possibility that accepting positional considerations must play a role in deciding what we are to do, when faced with a choice between options that are not rankable on some overall value scale. In this section, I will consider a route out of the difficulties posed by Arrow's theorem grounded in weakening our requirements for an overall ranking of value. In particular, if we abandon our commitment to having a complete overall ranking—such that, for any two options, either one is better than, as good as, or worse than the other—we can avoid the consequences of Arrow's theorem. Moreover, attending to the role of partial or incomplete rankings in our practical deliberations makes the role of evaluative considerations all the clearer in justifying our choices under conditions of genuine value pluralism.

Arrow's theorem, recall, entails that, given some set of independent, complete ordinal rankings, we will be unable to generate a unique, complete overall ranking that satisfies some basic desiderata. However, if we relax the requirement that the aggregated ranking be complete, we can avoid the negative consequences of Arrow's theorem. To deny that a ranking is complete is to allow for the possibility that, among the options under consideration, at least some will fail to be rankable against each other. That is to say, there will be some set of options that will not be better than, worse than, or equally as good as each other. Alternatively, we can understand the position as claiming that,

instead of a single, overall ranking of value, our aggregation mechanism should aim at producing a set of partial rankings, each of which is complete with respect to the values it ranks, but which are not, in turn, capable of being aggregated into some overall, complete ranking. From these partial rankings, take the best option (or the set of options which are tied for being the best option). The resulting set of options will then be no worse than any other option (since each occupies the top spot of one of the partial rankings), but will not be rankable with respect to each other. Call this set of values a *maximal set* of options, contrasted with an *optimal set* of options, which would be the result of a successful aggregation of value into a complete ranking (such that there will either be some value which is strictly better than every other value, or some set of values that are strictly better than every other value, and which we are indifferent between, according to the aggregated ranking).[99] When an attempt at aggregation fails to produce an overall ranking of value, we will face a choice between some set of values, none of which is rankable with respect to the others, but none of which are worse than any other option.

Abandoning the requirement that the output of our deliberative process be an optimal set of options (that we are indifferent between) opens up a space for acknowledging what has often been seen as a key feature of genuinely pluralist theories of value, namely, that some options are incommensurable. If the aggregated result of our

[99] This use of "maximization," and much of the discussion that follows, relies on Amayarta Sen's discussion in "Maximization and the Act of Choice," *Econometrica*, 65:4, Jul 1997 745-779. Sen characterizes the distinction as follows: "The basic contrast between maximization and optimization arises from the possibility that the preference ranking *R* may be incomplete, that is, there may be a pair of alternatives *x* and *y* such that *x* is not seen (at least, not *yet* seen) as being as good as *y*, and further, *y* is not seen (at least, not yet seen) as being at least as good as *x*…Assertive incompleteness is the claim that the failure of completeness is not provisional—waiting to be resolved with, say, more information, or more penetrating examination" (763-764). In my terms, under conditions of genuine pluralism, the ranking model of value will (at least sometimes) require us to use maximizing, and not optimizing, methods, and that the incompleteness here is assertive.

independent value rankings is incomplete, we will recognize that some set of options, which are no worse than any other option, fail to be comparable with each other (in terms of overall value).[100] This sense of incommensurability is akin to, but importantly distinct from, the kind of incommensurability involved in accepting NCCT; how these two senses of incommensurability are related, and whether genuinely pluralist theories of value are committed to one or both, I will leave aside for now.

Having accepted the introduction of maximal, as opposed to optimal, sets of options as the output of practical deliberation (understood as the aggregation of values as rankings), we face a puzzle: how are we to (rationally or otherwise) choose between options that are not rankable with respect to one another? Can a choice between such options be rational or justified, and if so, on what grounds? One answer to these questions is provided by Joseph Raz, who argues that, when faced with a choice between incommensurable options, we are rationally permitted to choose any one of them, but not rationally obligated to choose any particular one.[101] In his discussion of incommensurability in *The Morality of Freedom*, Raz characterizes rational action as "action for (what the agent takes to be) an undefeated reason. It is not necessarily action for a reason that defeats all others."[102] On this view, we are rational whenever we choose an option from the maximal set of values, given by the exercise of our practical reason in

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[100] Incomparable, that is, in the sense that they are neither better than, worse than, nor equally as good as each other. They may—and, indeed, surely will be—comparable in many other respects. What incomparability in this sense requires is that we cannot move from comparing them in some more specific respects to an overall ranking of value.

[101] Incommensurable in the sense of not ranked against each other—this will be the usage throughout the remainder of this section, unless otherwise noted. See Joseph Raz, *The Morality of Freedom* (New York, NY: Oxford University Press, 1986).

[102] Raz, *The Morality of Freedom*, 339.

aggregating our independent values to the greatest extent possible. Once we have arrived at a set of options that are no worse than any other option—although they will fail to be better than or as good as the other members of the set—we are rational in selecting any one of them.

Even accepting Raz's characterization of rational choice as a choice made on the basis of an undefeated reason, we might press the issue by asking not what could make such a choice rational, but what could justify the selection of one of the maximal options over the others? For each of the set of maximal options, we can obviously offer reasons in its favor—whichever reasons also determine its inclusion in the set of maximal options. Nonetheless, we might continue to ask not "why choose option *x*," but "why choose option *x* rather than option *y*?" Here, I think the best route is appeal to the role of positional considerations discussed in the preceding section. When we face a choice between options included in the maximal set, we can justify our decision by appealing to positional considerations grounded in our personal projects, relationships, histories, and so on. Part of the justification of our choice will, of course, involve the value that is realized or exemplified in the selected option—absent this value, we cannot explain why the option was included in the maximal set in the first place. However, absent some positional considerations, we will be unable to explain why we chose one of the set of maximal options over any of the others. By hypothesis, our evaluative considerations—the rankings of options by the values we recognize—underdetermine the overall ranking of options. If we are unable to appeal to positional considerations, we will be unable to explain why we chose as we did. Weakening our requirement for a complete, ordered aggregated ranking allows us to explain how we can arrive at a set of options, none of

which are worse than any other. Our decision to choose one of these options can be justified—and is made rational by—the inclusion of the option in the maximal set. Our decision to choose one of these options, *instead of any other maximal options*, can be justified by—and made rational by—appealing to positional considerations. Practical reason, then, on the ranking model of value and under conditions of genuine value pluralism, consists in the generation of a maximal set of options (derived from our evaluative judgments as rankings of options) combined with positional considerations that determine which of the set of maximal options will be opted for.

Part III: Public Reason and Value Pluralism

Section III.1: A Puzzle About Public Reason

So far, so good: the combination of the ranking model of value with positional considerations makes sense of not only practical reason under conditions of value pluralism, but how choices between incommensurable values[103] can be both rational and justified. By appealing to positional considerations grounded in our personal projects, commitments, histories, and so forth, we can justify our choices independent of any judgment of comparative value, and, in turn, maintain a commitment to both the ranking model of value and genuine value pluralism. However, if genuine value pluralism is to take the place of Rawls's account of an overlapping consensus in grounding liberal

[103] In both senses of incommensurable: the weak sense, when values provide independent rankings, and the strong sense (derived from Arrow's Impossibility Theorem), when we cannot aggregate these rankings into an overall complete ranking of options.

principles of justice, we will need an account of how we can engage in public, and not merely personal, deliberations under conditions of genuine value pluralism.

Attempting to apply the model of practical reason applicable in the case of practical deliberation to the realm of public reason presents the proponent of the ranking model of value with a puzzle. Although partially grounding the justification of our choices in positional considerations in the case of personal decisions seems appealing, if we are deliberating in a political context, these considerations seem wholly inappropriate. Consider the contrast between the following two cases.

> (1) Alice is deciding on how to spend her Saturday afternoon. She is choosing between attending a bluegrass concert at a local music hall or going to watch a minor league basketball game. However, while Alice recognizes the aesthetic value and cultural significance of bluegrass music, actually listening to it leaves her cold. On the other hand, Alice is a passionate fan of basketball, and is a fervent supporter of her local team. Given that she actually values the experience of watching basketball (and values her local team), Alice (rationally and justifiably) chooses to attend the basketball game over going to the concert.

One way of understanding Alice's choice of going to the basketball game over attending the concert is that Alice judges basketball to be a more valuable pursuit than bluegrass music. However, let us suppose that this is not the case. Although she is a fan of her local basketball team, and of basketball in general, Alice is sufficiently self-aware to recognize that her appreciation of basketball depends on contingent features of her personal history and preferences (perhaps she attended games with her parents as a small child, and, as a result, has strongly positive associations with the experience of watching a live basketball game). She further recognizes that, if others lack the positive associations she has with basketball, they would appropriately choose to attend the concert.

Alice is aware that her decision to watch the basketball game is independent of any judgment about whether basketball or bluegrass music is a more valuable pursuit. If asked to make such a judgment, Alice would reject the question as ill posed, or as somehow missing the point. Bluegrass and basketball, she might claim, are simply not rankable on a single scale of value. Despite the fact that Alice cannot, and will not attempt to, compare the relative value of bluegrass concerts and basketball games, her decision to go to the basketball game instead of the bluegrass concert can be justified by reference to considerations that are independent of any judgment of comparative value.

> (2) Beth is deciding how to vote in a local referendum. Her city has recently come into a budget surplus, and is holding a referendum to decide how to spend the money. The two options on the ballot are (a) to spend the money on renovating the local music hall, and (b) building a new basketball arena. Beth knows that renovating the local music hall will ensure that the city will successfully attract a prominent bluegrass festival, and that the failure to renovate the music hall will ensure that the festival will be held elsewhere. Similarly, Beth knows that building a new arena will ensure that the local team does not move to another city; failing to do so will ensure that the team is sold and moved to another city.

How is Beth to decide which option to vote for? If Beth were deciding which activity to engage in—going to a music festival or attending a basketball game—her decision would be amenable to the same sort of considerations that Alice can appeal to in the previous example. However, in Beth's case, the kinds of considerations that Alice appeals to seem to be precisely the wrong sort of considerations to justify a vote. If Beth acknowledges that bluegrass music and basketball games are not rankable with respect to one another, she cannot then appeal to her personal commitments, projects, and so forth to justify her decision to vote for one option over the other. Beth, after all, is not only deliberating about what she will do with her free time, but how her town, collectively, should behave.

As we saw in the previous chapter, if political decisions are to be legitimate, they must be justified by reference to suitably shared reasons. The kinds of positional considerations that can justify or rationalize choices between incommensurable values in the personal case are precisely the kinds of considerations that will not be suitably shared, and thus, cannot be invoked in justifying a legitimate political decision. They will not be shared precisely because these positional considerations are grounded in contingent facts about our personal histories, commitments, projects, and so forth. Moreover, in cases like Beth's vote, we will face a choice between options that we recognize are not rankable on any general scale of value. When we face a choice between two such options, we are committed to the claim that these options are both members of the maximal set—that is, that neither option is worse than any other, nor are they comparable to each other. Since the kinds of positional considerations available in situations like Alice's are unavailable in situations like Beth's, we will have to look elsewhere for the grounds of justified political choice under conditions of genuine pluralism.

Section III.2: The Expansive Conception of Public Reason

In the chapters that follow, I begin a detailed examination of the role of value pluralism in liberal political thought and the consequences that embracing this account of genuine value pluralism should have for our conception of the state and its relation to citizens. For the moment, I will offer a few remarks by way of sketching some possible ways to solve the puzzle for public reason posed by a genuinely pluralist theory of value. Chapter Three will return to this issue in much greater detail.

If we assume a genuinely pluralist theory of value, what must be true of the reasons we offer in public debate, such that we may be confident that they will be suitably shared? In other words, what requirements will the justifications we offer for our political decisions have to meet if the resulting decisions are to be legitimate? As I noted in the previous section, the kinds of positional considerations available to us in personal practical deliberation seem precisely the wrong sorts of grounds for making legitimate political decisions. My own personal history, projects, commitments, and so on cannot be offered to my fellow citizens as justifications for collective action, especially not if I (as I often will) maintain that the other options available to me in making a political decision are both valuable in their own right and incommensurable with each other.

The first step in solving the puzzle of public reason posed by value pluralism is to note that, in the first instance, accepting value pluralism involves not only a restriction on the kinds of reasons we can offer in public debate (as is the case for Rawlsian public reason), but a radical expansion of them. Accepting value pluralism entails judging as valuable a wide array of pursuits, projects, commitments, relationships, and so forth, even if we do not value them ourselves. Judging these pursuits (and so on) as valuable involves recognizing that they are a legitimate source of reasons for others, even if they are not a source of reasons for us. Furthermore, when we engage in deliberation about collective actions, we are to take our fellow citizens as *prima facie* reasonable valuers; that is, we are to treat the objects that they value as actually valuable, absent any compelling reason to deny this. Any pursuit (and so on) that we judge as genuinely valuable can appropriately feature in justifying a political decision. As I will argue later,

under conditions of genuine value pluralism, the role of the state should be to make possible the realization of valuable pursuits (and so on) by citizens subject to its laws. Since accepting genuine value pluralism will involve accepting a wide range of pursuits (and so on) as genuinely valuable, we should see this acceptance as entailing a radical expansion of the kinds of reasons that can be introduced to justify collective action.

There are two important things to note about the expansive conception of public reason under conditions of value pluralism. First, the expansive conception does not, itself, solve the puzzle outlined in Section III.1; indeed, in some ways, it makes the puzzle all the more troubling. If making sense of rational or justified choice was difficult in the case of personal practical deliberation under conditions of value pluralism, it will be much more difficult when facing choices made in the political context. The expansion of values, along with the concomitant expansion of incommensurable options, will force us into choices between options that are not rankable all the more often. Moreover, the stakes in political choices are often much greater than in personal deliberations—the values relevant to political choice are often more demanding, and the consequences more momentous. Second, treating the pursuits (and so on) of our fellow citizens as *prima facie* genuinely valuable will involve taking them as sources of reasons in a restricted sense. In the personal case, judging that some pursuit (and so on) is valuable involves, in Scheffler's words, taking ourselves to have reason to "not cast aspersions on those who engage in these activities or disrupt what they are doing without good cause."[104] Likewise, when engaging in political deliberation, we should take the judgment that the pursuits (and so on) of our fellow citizens are valuable to provide us

[104] Scheffler, "Valuing" in *Equality and Tradition*, 34.

with reasons not to impair these pursuits without good reason, to make provision for the possibility of realizing their goals, and so forth. Since the role of the state, on this view, is to make possible the realization of values by its citizens, we have not only a negative duty not to deprecate or inhibit our fellow citizen's valuable pursuits, but also a positive duty to ensure that our fellow citizens are provided with the necessary means and opportunities to realize their goals and projects.

Section III.3: Steps Toward a Solution to the Puzzle

If we are to solve the puzzle outlined in Section III.1, we will need to look for some quintessentially political considerations to play the role that positional considerations play in the case of personal practical deliberation. I will develop these possibilities further in Chapter Three; for now, let us merely consider a sketch of where these political considerations might be found.

As in the personal case, many of the political considerations that can ground justified political decisions will be determined by the historical context of the choice, and further, by the particular processes that led up to the choice situation. That is, our decisions concerning how we should behave collectively can, and should, be sensitive to the circumstances that led up to the moment of decision. If we are choosing whether to fund a music festival or a basketball arena, we might consider how much funding sports or art have received in recent years, how easy it is for citizens to engage in these activities either locally or in near-by communities, and how much demand there is for each option. Of course, none of these considerations alone will suffice to eliminate disagreement about which project to fund—our theory of public reason should not attempt to eliminate

disagreement from politics. However, given that such considerations will usually be agreed upon from a wide variety of political positions, they can be recognized as appropriately featuring in political decisions. Even if the project that is collectively chosen is not the project that best realizes our personal projects, we can nonetheless recognize that the considerations that were appealed to by our fellow citizens genuinely counted in favor of the final decision. If such a decision is justified by reference to these kinds of considerations, then, we will count it as legitimate, even if it is not the outcome that we ourselves would have preferred.

One advantage of including such path-dependent considerations in our political deliberations is that they are sensitive to historical inequalities and inequities. If some group has suffered unfair treatment in the past, this fact (combined with the recognized value of the pursuits of group members) can justify policies aimed at redressing the unfair treatment. If liberal theory has often been taken to be insufficiently sensitive to facts of historical injustice (as it often has, by both feminist philosophers and philosophers of race), introducing such historically sensitive considerations into the content of public reason may help to alleviate these concerns.[105] Of course, making our judgments about what we, as a polity, ought to do sensitive to historical inequalities does not presuppose that a society characterized by racist or sexist institutions is not strictly less valuable than one that does not possess racist or sexist institutions. However, by building sensitivity to historical facts into the practice of public reason, we can provide greater resources for the addressing and rectifying such inequalities whenever they are present.

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[105] See, for example Charles Mills, "Rawls on Race/Race on Rawls," *The Southern Journal of Philosophy* XLVII (2009), 161-184 and Susan Miller Okin, *Justice, Gender, and the Family* (New York, NY: Basic Books, 1989).

National ideals or self-conceptions can likewise play an important role in justifying our political decisions. In personal practical deliberations, our judgments about what we should do often involve our conception of ourselves and of our relations to our valued pursuits (and so on).[106] In the case of political deliberation, we can appeal to public political culture and conceptions of one's national identity and place, both on the world stage and in history. Although these features of our political culture are clearly evaluative in content, that we have these particular values (rather than some other set, merely judged to be valuable) is, as in the personal case, not itself an evaluative consideration. By appealing to contingent features of our nation's particular history and founding documents, we can justify a decision between two proposed policies that are, once separated from their social and historical circumstances, incommensurable. From this it follows that there can be no general answer as to how societies should be organized; what we should do, collectively, will depend on our particular circumstances, collective history, and communal values.

We can see such cultural and historical dependence in the different ways that freedom of speech, for example, is treated in the United States and Germany. The United States has an atypically absolutist stance with respect to government interference with private speech, and has adopted a general policy of toleration to what would be acknowledged as hate speech in other countries. Germany, by contrast, allows for significantly greater restrictions on freedom of speech and expression, especially in contexts where the speech is directed at inciting violence or harming the dignity of a

[106] I return to this in Chapter Three. For more on the relation between our self-conception, practical deliberation, and value pluralism, see Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1993), 65-90.

minority group. On the account of public reason outlined here, citizens in both nations might well recognize that the two policies represent options for the regulation of speech that are incommensurable—neither is better than or worse than the other, nor should we be indifferent between them. Nonetheless, American citizens might well think that free speech absolutism is decisively justified in the political context of the United States, in light of the communally held values expressed by the Bill of Rights. By contrast, German citizens might appeal to the particular historical atrocities committed by the Nazi regime to justify their policy of restricting hate speech—and to further claim that American-style free speech absolutism, while not worse than the German model—would not be an appropriate model for Germany to adopt.

Allowing historical facts and contingently held political values to play this kind of role in public reason permits political actors (including citizens, when justifying a political act such as voting) to rationally and justifiably choose between incommensurable options. This strategy, however, forces us away from strong forms of ideal political theory. Given genuine value pluralism, we cannot generally claim that one option is better than every other option, even in the case of personal practical deliberation. In the case of public reason, this difficulty is magnified: the number of values that can properly enter into our political deliberations is much greater than in the personal case, since we must consider not only those values that are instantiated by the particular options we face, but all options that reflect values our fellow citizens hold as well. Given the incommensurability of key political values we will generally not be able to form determinate judgments about what is best (in the sense of most valuable) all things considered. Nor will we confidently assert that the same policies will be

justifiable for different political situations—not only because such policies might have adverse effects in different circumstances, but because the grounds that could justify their selection will differ depending on the historical and background political values of different political cultures.

From the standpoint of a genuine pluralist theory of value, however, this move away from ideal theory, with its general principles of justice applicable to any (developed liberal) society, is not regrettable. Given the plurality of values and the role of contingent positional considerations in practical reason, we should neither expect nor wish for general, broadly (or universally) prescriptions. Instead, we should view both personal and public reason as an engagement with a social and historical context within which we are already embedded. Just as it is generally true that what you ought to do will differ from what I ought to do, even when we face choices between identical options, it will be generally true that what we ought to do, collectively, will differ from what some other political group ought to do. That we ought to act differently—either at the level of individuals or states—reflects the fact that there are more values available than any one person or state can realize.

Chapter Three:

Toleration, Public Reason, and Value Pluralism

As we saw in Chapter Two, accepting genuine value pluralism requires a radical revision to our understanding of practical reason. If genuine value pluralism is true, deciding what we shall do is not, as it has often been thought, a matter of determining which of our options is best all things considered or most valuable. Instead, practical reason is a matter of determining which of the various values that apply to our situation is to be decisive through appealing to the positional considerations that define our choice situation. In Chapter Three, I turn to the implications of accepting genuine value pluralism for foundational liberal concerns—specifically, for our conception of both the value of toleration and the scope of public reason.

Part I: Toleration and Public Reason

The toleration of a variety of different conceptions of the good lies at the heart of liberal political theory. Indeed, in some ways, the willingness to tolerate a diversity of conceptions of the good is the mark of a liberal society. The existence of a diversity of conceptions of the good—or, in pluralist terms, a diversity of incommensurable values—demands an account of what we should tolerate and why. That is, having accepted the existence of a diverse set of values, not all of which can be pursued or realized by any single individual, we must address which values can make a legitimate claim on social resources and recognition. In other words, we need an account of the relationship between toleration on the one hand, and public reason on the other. Schematically, I take

it that three types of positions, which have been explored in other respects in earlier chapters, are serious contenders:

> Monism: Political decisions are to be made by reference to a single value. Thus, the scope of values we tolerate is entirely separate from the scope of public reason.
>
> Political Liberalism: The scope of public reason is determined by the intersection of the values we tolerate, as in Rawls's "overlapping consensus."
>
> Genuine Value Pluralism: The scope of values we should tolerate is coextensive with the scope of public reason.

Before turning to the comparison between the three accounts of toleration and public reason, let me say a few words by way of clarification about how I understand these two central features of liberal political thought. Toleration, as I will be using the term, is a publically adopted attitude that a putative dominant social group adopts toward a putative minority (not necessarily numerical minority) group.[107] Of course, in everyday speech, we often talk of tolerating the activities or pursuits of those over whom we wield no influence, such as when I can be said to tolerate my neighbor's loud music. Likewise, at a social level, we can be said to tolerate some activity or pursuit whenever we both fail to value the activity and refrain from expressing our disagreement with those who practice it. Toleration as a political attitude, however, requires that the tolerating party have the capacity to interfere with the tolerated practice. Going back at least as far as Locke, toleration in the political realm is a matter of formal policy and institutional design, and since only those in power have control over, and thus responsibility for, instituting policies of toleration, I will speak of toleration only in terms of an attitude those in power

[107] "Putative" here serves to recognize that a group may be mistaken as to their own social position and the extent of their political influence. So long as the putative dominant group believes that they are in a superior position, I take it that they can genuinely tolerate the behavior of another group, even if, in fact, they would be unable to interfere with the other group's behavior.

have towards those subject to their control. In particular, for group A to tolerate group B's expressed values, the following conditions must hold. First, the dominant group must not themselves value the pursuit of the putative minority.[108] Second, the dominant group must believe that they are capable of interfering with the non-valued pursuit of the minority group.[109] Third, and finally, the dominant group must intentionally refrain from interfering with the pursuit of the minority group.[110] Thus, group A adopts a policy of toleration with respect to some activity *x* of group B whenever (i) A does not value engaging in *x*, (ii) A believes that they could put an end to, or at least discourage, the pursuit of *x*, yet (iii) A adopts a policy of non-interference with B's pursuit of *x*.[111] Conversely, A is intolerant of B whenever A adopts a policy of interference with B's pursuit of *x*, although this policy of interference need not take the form of a general ban or prohibition. A can be intolerant of B's *x*-ing by censoring those who *x* or making it more difficult to *x* or publically denigrating the pursuit of *x* while speaking in an official

[108] Whether or not a policy expresses a genuinely tolerant attitude requires not only "not valuing" but also actively disapproving (or, at least, not judging valuable) will be the subject of Section III. Since "not valuing" is a strictly weaker condition than active disapproval or "not judging valuable," this account of toleration will include a wider range of policies as tolerant than other accounts with stricter conditions. For an example of such an account, see Andrew Jason Cohen, "What Toleration Is," in *Ethics*, 115:1 (Oct. 2004), 68-95.

[109] Again, the dominant group does not have to possess the actual capacity to interfere with the minority group in order to adopt a policy of tolerance, only that they believe that, if they wanted to, they could. It is quite possible to be tolerant of an activity or pursuit without being able, as a matter of fact, to do anything about it, so long as one sincerely (although mistakenly) believes that one could put a stop to it.

[110] We might be tempted to require that a policy of toleration be adopted on self-consciously tolerant grounds—that is, that A tolerates B's activity only if A adopts a policy of non-interference in recognition of the fact that they are adopting a policy of toleration. Delving into this debate would, however, take me too far afield of the topics this chapter addresses. Since the requirement of self-conscious toleration is strictly stronger than foregoing such a requirement, I have opted for the broader account of toleration.

[111] We might add a fourth condition here, namely, that A's policy of non-interference is made known to B (and to any other involved parties). Since my discussion focuses on toleration as a political policy, enacted through normal political institutions and organizations, I will take this publicity condition as being included in the general publicity condition for political institutions and legal systems.

capacity. The manner of toleration will vary depending on a host of contextual factors (including the strength of the dominant group, the political culture and background institutions of the society A and B inhabit, and so forth), and, more saliently for this chapter, on the reasons A takes themselves to have to adopt the policy of toleration towards B. *Why* we tolerate will make a difference for *how* we tolerate.[112]

The reasons a dominant group can have for adopting a policy of toleration will depend on the particular characteristics of the moral and ethical system they accept. A utilitarian majority, for example, will justify its policy of toleration with respect to non-utilitarian minorities by appeal to utility-maximization considerations. A Kantian majority, by contrast, could ground a policy of toleration towards non-Kantians by appeal to the dignity and respect owed to persons as rational beings. Furthermore, the nature of the attitude expressed by the policy of toleration will depend on the reasons that ground the adoption of the policy. In turn, the way the tolerated group will view their status will again depend on the nature of the attitude expressed by the policy. A fundamentalist religious sect might view a general policy of toleration by a secular majority—toleration not only of their own religious practices, but of the religious practices of others—as symptomatic of cultural decline and decadence, or as a species of moral relativism and the denial of moral absolutes. If we are to understand the value of toleration for either the political unit as a whole or for either the majority or minority group, we will have to look to the reasons that might justify the policy of toleration. Likewise, if we are to understand what conceptions of the good we should tolerate, we must understand our

[112] Of course, not all intolerance takes the form of explicit interference or expressions of disapproval. Dominant groups can manifest their intolerance through a number of subtler means, often times cloaking their intolerant attitudes under the guise of so-called "dog-whistle" politics. Indeed, it is often the case that dominant groups engage in subtler forms of intolerance precisely when their reasons for intolerance cannot be publically articulated for one reason or another.

grounds for valuing toleration. Whether we are monists, Rawlsians, or genuine pluralists will have a profound and thoroughgoing influence on our understanding of what and why we tolerate. In particular, the general ethical framework we accept will determine the limits of those conceptions of the good that are to be tolerated—that is, which conceptions of the good will be treated as members in good standing of the prevailing political order.

Similarly, the general ethical framework—pluralist, monist, or Rawlsian—will play a significant role in determining both the content and scope of public reason. I take public reason to be the set of reasons that can ground or justify legitimate political decisions, policies, and institutions.[113] The content of public reason determines what considerations are to guide our political activity, along with the norms of reasoning and justification that ground the legitimacy of our political institutions and decisions. The content of public reason must be some subset of the total set of values and reasons that constitute the diverse conceptions of the good present in a given social setting—that is, the content of public reason depends on what values are accepted and recognized by those responsible for making, justifying, and enacting political decisions.[114] Furthermore, as we will see in the sections that follow, the scope and content of public reason is limited by the scope of toleration; only those values and conceptions of the good that are not subject to intolerance can be candidates for inclusion in the scope of public reason. How precisely these two foundational liberal ideas are related—and how their relation depends on our general ethical framework—composes the main work of this Chapter. As a first

[113] For a fuller discussion of public reason—in the cases of Rawls and genuine value pluralism, at least—see Chapter One.

[114] Of course, it is possible that the subset of the total set of recognized reasons is identical with the set of all reasons, as there is no requirement that public reason be a proper subset of the total set.

step in getting clear about the three positions that constitute the subject of this chapter, I will explain which justifications for toleration all three of them reject—namely, pragmatic and epistemic justifications.

Part II: Pragmatic and Epistemic Justifications for Toleration

Why is toleration valuable? In other words, what grounds or justifies the adoption of a tolerant policy—if, by stipulation, the activity to be tolerated is something we don't value, why refrain from interfering with it or pushing practitioners towards an activity we do value? Generally speaking—and not only for monists—a policy of toleration can be justified (by the tolerant group or by others) on three kinds of bases. First, we might offer a pragmatic justification for toleration. A policy of toleration justified on pragmatic grounds will be adopted because, in some way or another, the costs of interference are unacceptably high to the dominant group. Let us call a policy of toleration adopted on pragmatic grounds *pragmatic toleration*. Second, a policy of toleration can be adopted on epistemic grounds, as is the case when the dominant group is undecided or uncertain as to the value or worth of the tolerated activity.[115] Let us call a policy of toleration adopted on epistemic grounds *epistemic toleration*. Third, a policy of toleration might be justified on moral grounds, as would be the case if it were part of the dominant group's moral beliefs that interfering with the activities of others was a moral wrong. Let us call a policy of toleration adopted on moral grounds *moral toleration*. Many accounts, of course, and in particular the more subtle accounts that philosophers have formulated,

[115] John Stuart Mill, for example, appeals straightforwardly to epistemic considerations in arguing for a tolerant political society in "On Liberty." One virtue of adopting the "non-valued" standard for toleration instead of the "active disapproval" standard is that such an epistemic justification is hard to offer on the active disapproval standard. I will return to Mill's account in Part III. See John Stuart Mill, "On Liberty," in *On Liberty and other Essays* (New York, NY: Oxford University Press, 1991), 1-128.

appeal to more than one kind of consideration; or they are hard to classify because, insofar as they already have responses to certain evident lines of criticism built into them, they accommodate several kinds of considerations even though one type (pragmatic, epistemic, moral) is primary. Hence I shall use the tripartite distinction as a guide, but explore in more depth some proposals. In particular, I shall explore the resources of Mill's influential moral defense of liberalism in "On Liberty," John Rawls's account of "Political Liberalism," and, finally, genuine value pluralism. As I will argue, liberal political theory is centrally concerned with the moral value of toleration; there need not be anything quintessentially liberal about tolerant policies justified on epistemic or pragmatic grounds, after all. I will address pragmatic toleration and epistemic toleration in turn.

Section II.1: Pragmatic Toleration

Let us start with Pragmatic Toleration. Pragmatic toleration is characteristically justified by reference to the costs or difficulties of interference, whether the costs are monetary, social, or of some other kind. Thus, a pragmatic justification for a policy of tolerance will depend on the calculation of the costs of an intolerant policy—if, for example, adopting a policy of intolerance is likely to lead to widespread social unrest or resistance, the dominant group might refrain from interfering to avoid these potentially costly consequences. Likewise, if enforcing the intolerant policy would require expensive surveillance and policing, the dominant group may decide that interference is simply not worth the effort. In any general ethical framework, of course, various intolerant policies may incur serious costs. For example, those who accept a monistic

theory of value—hedonistic utilitarianism, for example—might reason as follows: an intolerant policy risks serious social unrest and would require substantial material resources to enact; social unrest is likely to result in lower aggregate pleasure, and the resources required could be put to better use (in terms of maximizing aggregate pleasure); therefore, a policy of toleration is justified.

This, however, mistakes the distinction between pragmatic and moral grounds of justification. The hedonistic utilitarian has no principled reasons for tolerating the practices of the minority group in general, only a circumstantial and contingent reason to tolerate in the current circumstances. That is, there is nothing especially *tolerable* about the activities or beliefs of the minority group; the only reason the dominant group has to tolerate is the (perhaps temporary) fact that intolerance would involve a loss of aggregate utility. Two key features of pragmatic justifications for toleration can be observed here. First, pragmatic justifications for toleration are typically contingent, depending on the particular costs and benefits of tolerant or intolerant policies. If the calculations were to change—perhaps if the minority group were less populous—the justification for the previous policy would become inert. Second, the policy of toleration does not depend in any direct way on the content of the activity or pursuit being tolerated. The justification for a policy of tolerance makes no reference to what is being tolerated, only to the consequences of intolerance. If the minority group were to suddenly abandon their conception of the good, social practices, and so forth in favor of a radically different set

of practices and beliefs, there need not be any substantial change in the justification of the tolerant policy.[116]

Similarly, Rawls claims that some groups may require toleration, not on the grounds that they are reasonable or are capable of living on fair terms of cooperation with others, but on the grounds that the most we can hope to do is to contain their influence and spread, much as one would with war or a disease.[117] A genuinely pluralist majority might deny that the beliefs and practices of some minority group are valuable at all while maintaining that attempts at interference or restrictions would be too costly in a variety of ways. What is common to all these cases of pragmatic toleration is that the grounds for tolerating the practice or minority group in question depend solely on the potential negative consequences of interference or restriction, and not on any moral standing or right that the minority group possesses.

Of course, avoiding the negative consequences that intolerance threatens can itself have significant moral value and, in this sense, we can have moral reasons that speak in favor of pragmatic toleration. Peace, social cohesion, and the efficient allocation of social resources clearly carry significant moral weight, and a policy of toleration that was conducive to one—or, as is often the case, many—of these goals will equally clearly be of great moral importance. This does not, however, imply that pragmatic toleration is merely a species of moral toleration. What is characteristic of pragmatic toleration is that

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[116] If there is a change, it will be because the utilitarian calculus might be altered, as if, for example, the new practices were far worse in terms of aggregate pleasure states than the old practices. If, however, we assume that the change either makes no difference or only a small difference to the utilitarian calculus, the point will be clear.

[117] John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 1993), 65 fn19. As we shall see, Rawls's analysis of the idea of public reason and the overlapping consensus involves determining which comprehensive conceptions of the good we have moral reasons to tolerate by appealing to the principle of reciprocity.

it takes the value of toleration itself to be merely instrumental in the realization of some further value, grounded in the relevant general ethical framework; should toleration cease to be conducive to the realization of the more fundamental value—peace, prosperity, aggregate pleasure, stability, and so forth—toleration will cease to be justified. For this reason, pragmatic toleration is essentially unstable, since the adoption and maintenance of the tolerant policy will depend on particular contingent social features that make toleration the best means to the realization of some more fundamental value. Even in cases in which the instrumental value of toleration seems secure—if we have good reason to believe that the social conditions that make toleration instrumentally valuable will persist—pragmatic toleration still fails to capture the quintessentially liberal attitude towards toleration as inherently good or valuable. Of course, the justification of a tolerant policy may be over-determined—we might have both pragmatic and moral grounds for toleration, as is the case whenever we endorse both a liberal conception of the state and the claim that toleration is conducive to social harmony and stability. However, a policy of merely pragmatic toleration will nonetheless fail to realize a truly liberal political order. We can see this perhaps most clearly in how merely pragmatic toleration appears to those who are to be tolerated.

What shall we say about a policy justified on merely pragmatic grounds from the standpoint of the tolerated community? A policy of tolerance adopted on pragmatic grounds cannot help but appear as a constant looming threat to those who are tolerated, knowing, as they must, that they are free to pursue their valued activity only with the permission of the dominant social group, a permission that might be retracted were circumstances ever to change. Even if the minority group is confident in their status, and

are reasonably assured that the tolerant policy will not be altered, they can only view the fact of their being tolerated as condescending at best and contemptuous at worst. The content of their beliefs and the value of their way of life is ignored by the dominant social group—they are tolerated not because their view is worthy of respect or consideration, since any other group in their position could be equally tolerated. Of course, the composition and power balance of any society may shift over time, sometimes quite quickly; in a strictly temporal sense, any policy—of toleration, acceptance, or something stronger—might be viewed as contingent on the stability of one's social world. The objectionable character of pragmatic toleration is not that it is of (potentially) limited temporal duration. Rather, pragmatic toleration is objectionable to the tolerated since toleration on pragmatic grounds is always conditional. Even if the conditions that justify pragmatic toleration are likely to persist indefinitely, it remains the case that the justification for toleration is contingent on features of the social world that have little or nothing to do with the practices or beliefs being tolerated. The contingency of pragmatic toleration is not temporal but constitutive.

Section II.2: Epistemic Toleration

If tolerance justified on pragmatic grounds is so unstable (from the standpoint of the tolerating group) and unbearable (from the standpoint of the tolerated group), can we find other grounds for toleration less contingent or contemptuous? Consider again our hedonistic utilitarian as a quintessential value monist. What epistemic grounds could the hedonistic utilitarian offer for a policy of toleration? Epistemic justifications for toleration typically proceed by way of showing that a policy of toleration serves to reduce

or eliminate uncertainty—but what are we uncertain of? For the monist, we can be uncertain either of the value to be maximized or of the best means to maximize that value. In the first case, we might adopt a policy of toleration in light of the doubts we have concerning our own evaluative commitments—we might, for example, endorse value monism as a hypothesis or supposition, awaiting some sort of verification. If this is the case, a monist might endorse a policy of toleration as a means of achieving the verification—or dis-verification—of their evaluative commitments. Let us call this the ends-based epistemic justification for toleration. Alternatively, a monist might remain fully committed to the truth of their evaluative standard, but hold that the best means of realizing their chosen value are uncertain or subject to revision. In this case, a policy of toleration might be justified because a tolerant society will allow for the widest possible range of pursuits aimed at realizing the singular value. Let us call this the means-based epistemic justification for toleration.

A dilemma arises for the ends-based epistemic justification for toleration. Either the epistemic barriers we face in our evaluative reasoning are eliminable or they are not. If the epistemic barriers we face are eliminable, then a policy of toleration adopted on ends-based epistemic grounds will only be contingently endorsable. As we gain greater and greater confidence in our evaluative commitments—through toleration of otherwise non-valued pursuits—we will have less and less reason to tolerate. As we saw in the case of pragmatic justifications for toleration, a policy of toleration adopted on ends-based epistemic grounds will be self-undermining, at least if the epistemic barriers we face are eliminable. Thus, the ends-based epistemic justification for toleration is not only a

contingent justification, but is self-undermining; we tolerate today so that tomorrow we may be intolerant, being more confident in the truth of our own evaluative commitments.

On the other hand, we might take the epistemic uncertainty concerning our commitment to a monistic value to be ineliminable or insuperable. If we cannot hope to overcome or reduce the uncertainty in our evaluative reasoning, we can escape the self-undermining problem of ends-based epistemic justifications for toleration. We must either proportionally reduce our practical commitment to our evaluative standard to match our uncertainty in its truth or to increase our confidence in the truth of our evaluative standard to match our practical commitment to it. The second option, which seeks to increase our confidence in the truth of our evaluative commitments, is ruled out by our viewing the epistemic barriers we face as ineliminable. If we give the eliminability condition up, our policy of toleration will again be necessarily contingent and self-undermining. If, on the other hand, we reduce our practical commitment to our evaluative standard to match the epistemic uncertainty, we face a serious skeptical challenge. If we take the epistemic barriers to be ineliminable and, furthermore, to entail a reduction in our practical commitment to our evaluative standard, how can our evaluative standard continue to be action guiding? The proper response in these conditions isn't to adopt a policy of toleration justified by reference to our favored evaluative standard, but to abandon the standard entirely. Of course, confidence in our evaluative commitments—either practical or theoretical—is not an all-or-nothing affair. However, the skeptical issue here generalizes—we should tolerate only to the extent that we do not believe in the particular evaluative standard involved. Far from providing a justification for toleration, our evaluative commitments stand in the way of toleration;

precisely to the extent that we are sure of our evaluative standard, we should not tolerate, and we should tolerate only to the extent that we are unsure of the truth of our evaluative beliefs.

Perhaps we might reduce our confidence in the truth or justification of our evaluative standard while maintaining our practical commitment to it. That is, we might acknowledge that our evaluative standard is un- or under-justified but remain committed to its use in our practical deliberations. Doing so, however, places us in a serious state of cognitive dissonance and threatens our integrity as moral agents. To endorse an evaluative standard as governing our practical deliberation involves taking the standard to guide our most important deliberations and choices. To maintain a commitment to an evaluative standard in practical deliberation while recognizing that the standard in question is un- or under-justified is to call into question the morality of our actions and choices—to place us in a constant state of doubt concerning the rightness or goodness of our choices.[118] Furthermore, among these choices called into question is the policy of toleration itself. How can we be confident in our ends-based epistemic justification for toleration if we cannot be confident that the very evaluative standard we employ is not itself mistaken?

Thus, ends-based epistemic justifications for toleration leave us with an array of unpalatable results. Those who seek to justify a policy of toleration ends-based epistemic grounds face the trilemma of contingency, skepticism, or cognitive dissonance. If we

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[118] Of course, we can, and often should, treat our evaluative standards as subject to further investigation, modification, and potential rejection; to hold an evaluative standard as fixed or as beyond the need for further inquiry indicates an unpalatable form of dogmatism. Nonetheless, when we appeal to an evaluative standard in justifying our decisions, we must take ourselves to be using a standard as close to correct as we are able to reach. What we cannot do is appeal to an evaluative standard that we take to be unjustified or worse than some other available alternative.

shift from an ends-based to a means-based epistemic justification, can epistemic toleration fare any better? Consider again the case of the hedonistic utilitarian, considering a policy of toleration regarding some non-utilitarian community. Although the hedonistic utilitarian is confident in the correctness of utilitarianism as a general moral theory, she admits that she is uncertain as to the best means to maximize aggregate pleasure. As was the case for ends-based epistemic justifications, this uncertainty must be taken to be ineliminable, lest the policy of toleration be only contingently and temporarily justified. Having granted this, however, the hedonistic utilitarian might maintain a stable justification for an ongoing policy of toleration, especially if there is a deep connection between the maximization of value and the free exercise of individual reason. Because of this connection, means-based epistemic justifications for toleration offer not only epistemic reasons to tolerate, but moral reasons as well.

The prospects for epistemic toleration in conjunction with moral toleration are more complex. As we shall see in Parts III, IV, and V, Mill's utilitarianism, Rawls's theory, and genuine value pluralism's justification for toleration involve epistemic considerations, but are fundamentally grounded in moral reasons[119]. By their own lights, the epistemic justification for toleration is inadequate for the task of establishing a stable liberal political order. Let us thus now turn to moral justifications for toleration.[120]

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[119] As Rawls says, "being reasonable is not an epistemological idea (although it has epistemological elements)." The connection between being reasonable, being tolerable, and the scope of public reason is the subject of Section IV. Rawls, *Political Liberalism*, 62.

[120] Of course, the distinction between pragmatic, epistemic, and moral justifications for toleration is not, in practice, as sharp as I have presented it here, and any particular argument for toleration will often invoke all three considerations, or considerations that cross between the different types of justifications outlined here.

Part III: Value Monism

Section III.1: Toleration and Value Monism

What moral reasons can a monist offer in favor of a stable policy of toleration? One possible route for the monist to take is to defend a policy of toleration on the grounds that intolerance will lead to morally bad outcomes, according to her evaluative standard. For example, a hedonistic utilitarian might refrain from instituting an intolerant policy because she (correctly or incorrectly) believes that widespread social unrest will result, and that this social unrest will, in turn, lead to lower aggregate pleasure than a tolerant policy. However, this attempt at justifying a policy of toleration makes the moral justification little more than the pragmatic justification couched in moral terms, with all the attendant problems that pragmatic justifications faced. For example, if a policy of toleration is justified on these grounds, then, should circumstances change and the potential bad outcomes of intolerance become less likely, the monist would no longer have a justification for toleration. If toleration is to continue to occupy the central place in liberal political thought that it has, the monist will need to offer a more robust, stable justification than the merely contingent fact that intolerance can and does lead to social unrest.

Indeed, non-pragmatic justifications for toleration are rarely offered within monistic ethical frameworks; instead, one often finds classical utilitarian theorists like Bentham offering defenses of a wide variety of paternalistic policies and institutional

structures.[121] The most notable exception to this tendency is, of course, Mill's spirited defense of liberalism in his justifiably foundational essay, "On Liberty." As I claimed earlier, Mill's defense of liberal policies and toleration in "On Liberty" is over-determined; his famous defense of freedom of thought and discussion justifies toleration by reference to our epistemic limitations. On this view, intolerance is unjustified precisely because it imposes serious epistemic costs on our knowledge of how we should seek to maximize aggregate utility. Mill writes, "Complete liberty of contradicting and disproving our opinion, is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right."[122]

Of course, taken independently of the rest of Mill's argument, the epistemic grounding offered here only serves to establish the toleration of dissenting opinion and freedom of speech—it does not, yet, extend to the central case of liberal toleration of a diverse range of conceptions of the good or to tolerating a diverse range of ways of living. Mill, however, explicitly seeks to offer an analogous defense of liberalism in practice (as well as in thought), writing:

> As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. It is desirable, in short, that in things which do not primarily concern others, individuality should assert itself. Where, not the person's own character, but the traditions or customs of other people are the rule

[121] Most strikingly, in Bentham's design of the panopticon prison, which was to house not only criminals, but the impoverished as well. See Jeremy Bentham, *The Works of Jeremy Bentham, vol. 4 (Panopticon, Constitution, Colonies, Codification)*, Ed. John Bowring (New York, NY: Russell & Russell Inc., 1962).

[122] Mill, "On Liberty," in *On Liberty and Other Essays,* 24.

> of conduct, there is wanting one of the principle ingredients of human happiness, and quite the chief ingredient of individual and social progress.[123]

It is tempting, here, to interpret Mill's argument concerning the practical freedoms as epistemological, as was the case for his argument concerning the liberties of conscience and discussion, especially in light of Mill's own explicitly drawn connection between the two arguments. On this interpretation, Mill is offering a defense of epistemic toleration, subject to the objections offered in Section I.2.

This epistemic reading of Mill sits uncomfortably with his general commitment to utilitarianism. In the beginning of "On Liberty," Mill commits himself to offering a utilitarian defense of liberty, writing "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, rounded on the permanent interests of man as a progressive being."[124] Indeed, Mill immediately acknowledges that the standard of utility not only forbids those actions which harm another person—such acts being especially detrimental to the maximization of utility[125]—but also imposes positive duties on us as well (such as a duty to offer assistance to those in need, provide for the common defense, and "any other joint work necessary to the interest of society").[126] On this view, then, Mill is committed to offering a defense of toleration on strictly utilitarian grounds; that is, Mill is offering a species of moral toleration, justified on the grounds that toleration is the best means of maximizing aggregate utility.

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[123] Mill, "On Liberty", in *On Liberty and Other Essays*, 63.

[124] Mill, "On Liberty," in *On Liberty and Other Essays*, 15.

[125] In "Utilitarianism," Mill defines 'justice' as "a name for certain moral requirements, which regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others." Mill, "Utilitarianism," in *On Liberty and Other Essays*, 200.

[126] Mill, "On Liberty," in *On Liberty and Other Essays*, 15.

On the face of it, toleration as the best means to the maximization of utility is a puzzling view. After all, the activity being tolerated must, for the policy to count as tolerant, not be valued from the standpoint of the tolerating group. If a policy of toleration is to be justified from the standpoint of utilitarianism, then, the activities and groups being tolerated cannot themselves aim at the maximization of aggregate utility. If they already did so, there is no need for toleration. A utilitarian defense of toleration—indeed, any monistic defense of toleration, thus faces a dilemma. Either the activity (or belief, or social organization, and so forth) being tolerated would, if given the liberty to be realized, serve to maximize aggregate (or average) utility or it will not. If it does serve to maximize aggregate utility, there is no need or place for toleration. On the other hand, in so far as toleration is only justifiable on utilitarian grounds, if the activity does not serve to maximize aggregate utility, tolerating it appears entirely unjustified, since there are no further or additional values to appeal to in arguing for enacting the tolerant policy. Toleration, then, appears either unnecessary or unjustified.

Utilitarians have a number of possible responses available to them when confronted with the proposed dilemma. They can, of course, retreat from offering a moral justification for toleration and appeal to epistemic and pragmatic considerations that speak against intolerance.[127] This response is, however, unsatisfying since it threatens to raise the objections against pragmatic and epistemic toleration I presented earlier. A more promising utilitarian strategy is to claim that the dilemma mistakes the level at which toleration applies. Any particular tolerated activity may not itself serve to maximize aggregate utility, yet a general policy of toleration might do so. Mill's

[127] Of course, the distinction between pragmatic and moral reasons for utilitarians is not sharp; by adopting a single evaluative standard, utilitarianism significantly closes the gap between them.

argument concerning the toleration of dissenting opinion and discussion provides a helpful analogy here (substituting "discovering the truth" for "maximizing aggregate utility"[128]). Mill need not—and, indeed does not and cannot—believe that any particular unpopular or dissenting opinion is true, or even that any one of them is. Instead, Mill claims, the policy of tolerating dissent in general is our best means to discovering the truth, even if such a policy requires tolerating a great many falsehoods. After all, Mill argues, the benefit we gain in refuting false beliefs is nearly as great as the benefit derived from knowing the truth.[129]

Just as our epistemic position is maximally benefited by permitting free debate and opinion, aggregate utility can be maximized by permitting individuals and groups liberty in determining what activities and pursuits they will undertake. Although any particular activity or pursuit may not itself maximize utility (just as particular beliefs or theoretical systems may be false), a general social permissiveness will tend towards the maximization of aggregate utility. This position is especially plausible if, like Mill, we see a close connection between an individual's chosen activities and the maximization of that same individual's utility. Just as an individual is likely to be in an excellent epistemic position with respect to their immediate surroundings, for example—and, in particular, in a much better epistemic position than someone spatiotemporally distant from them—individuals are likely to be especially good at knowing what is in their best interests—that is, what actions or activities will maximize utility locally. As Mill writes,

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[128] Mill himself links the truth of our opinions with the maximization of utility—"The truth of an opinion," Mill writes, "is part of its utility." From the standpoint of monistic utilitarianism, of course, it is only in virtue of truth's contribution to aggregate utility that we should care about it. Mill, "On Liberty," in *On Liberty and Other Essays*, 27.

[129] Mill, "On Liberty," in *On Liberty and Other Essays*, 21.

> He is the person most interested in his own well-being; the interest which any other person, except in cases of strong personal attachment, can have in it, is trifling, compared with that which he himself has; the interest which society has in him individually (except as to his conduct to others) is fractional, and altogether indirect: while, with respect to his own feelings and circumstances, the most ordinary man or woman has means of knowledge immeasurably surpassing those that can be possessed by anyone else.[130]

Toleration, then, is justified since a general social attitude and policy of permissiveness is conducive towards the maximization of utility; individual activities and pursuits may, of course, not immediately maximize utility, but since policy makers are in a worse position with respect to what activities will (and will not) be in an individual's best interest, a standing policy of toleration is justified. The limits of toleration are thus set by the domain in which an individual can claim special authority—their own interests. Whenever an activity (or belief, or social group, or so on) infringes upon or harms the interest of someone else, it ceases to have any justified claim to toleration.[131] Activities that, while they do not aim at the maximization of utility, do not cause harm to others are thus tolerated since, while they themselves do not (directly or consciously) invoke the utilitarian calculus, permitting them does, as a general social policy, serve the ultimate utilitarian aim. If someone did directly or consciously aim at the maximization of utility, of course, there would be no need to tolerate his activity at all. Rather, it is the fact that permitting these non-utilitarian pursuits is itself conducive to the maximization of utility that grounds Mill's justification for toleration; this justification will remain in force as long as individuals, in general, have special authority regarding what is and is not in their own best interest.

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[130] Mill, "On Liberty," in *On Liberty and Other Essays*, 84-85.

[131] This is, of course, Mill's famous 'harm principle': "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." Mill, "On Liberty," in *On Liberty and Other Essays*, 14.

Mill's justification for toleration takes the form of an indirect appeal to the maximization of utility. It is not the case that activities are to be tolerated because they maximize utility themselves, either by taking utility maximization as their immediate goal (which would, of course, render toleration superfluous) nor even because they, as a matter of fact coincidentally maximize utility, but because permitting individuals to pursue their own interests freely tends towards the maximization of utility on a society-wide level. So long as individuals have special authority with respect to what will be in their own interests, toleration as a general social policy, limited by the harm principle, will be justified. Unlike pragmatic or epistemic toleration, Mill's account of the value of toleration is neither contingent (as pragmatic defenses of toleration typically are) nor self-undermining (as epistemic defenses of toleration typically are). In this way, Mill's moral defense of toleration avoids the dangers of purely epistemic or pragmatic justifications, since he provides a justification for a stable, quintessentially liberal tolerant social order.

Section III.2: Monism, Toleration, and Public Reason

Mill's account, then, offers a stable and liberal defense of toleration justified entirely within a monistic ethical framework—in this case, utilitarianism. We must now ask: what implications does Mill's utilitarian defense of toleration have for the scope and content of public reasons? If toleration is ultimately justified only insofar as it is the best means to maximize aggregate utility, what claims to social recognition and resources (if any) can the content of the views or activities being tolerated command? How are we to conceive of the scope and content of public reason within a monistic general ethical

framework?[132] As I shall argue in this section, monistic theories generally, and Mill's in particular, draw a sharp distinction between tolerated conceptions of the good and the content of public reason—that is, no reason can be both a part of a tolerated conception of the good and public reason at the same time.

The question of public reason is, in one sense, the question of to what extent—and how—the reasons individuals have in light of what they value determine what we shall do collectively. That is, what is the relation between what individuals value—what reasons they take themselves to have for acting in certain ways—and what society values—what reasons those in positions of authority can appeal to in enacting and enforcing their decisions. For a monist like Mill, public decisions are only justifiable insofar as they serve to maximize aggregate utility—the standard by which we should choose our "form of government" is that which is "best fitted to promote the interests of any given society."[133] Policies of toleration and restraint must be justified by reference to the utilitarian calculus—just as with all political decisions and institutions. From within a monistic ethical framework, there is nothing else to appeal to in justifying any particular decision or policy, since there is no other standard we can refer to in deciding how best to organize society. Since no tolerated view takes as its stated or conscious goal the maximization of utility (or else it will not be a candidate for toleration), none of the reasons grounded in a tolerated view will be permissible to appeal to in making political decisions. Public reason, on this view, necessarily excludes any reason grounded in, or

[132] Recall that monistic ethical frameworks posit a single evaluative standard that generates a single, complete ranking of options and is capable of determining which option is best, all things considered (or, in the case of ties, which options are at least as good as any other). Genuinely pluralist systems, as I argued in Chapter Two, provide neither complete rankings of options nor sets of options at least as good as any other.

[133] Mill, "Representative Government," in *On Liberty and Other Essays*, 217.

arising out of, a tolerated conception of the good. If this is so, there can be no overlap between the content of tolerated conceptions of the good and the content of public reason, except coincidentally.

Of course, monists such as Mill can respond in a variety of ways to the sharp distinction between the scope of toleration and the content of public reason drawn here. Mill, especially in "On Liberty," can plausibly be read as a pluralist, where a variety of values are derived from the free exercise of individual's reasoning and engaging in worthwhile pursuits. On this construal, Mill's appeal to the "interests of society" in "Representative Government" represents a pluralist approach to the content of public reason—individuals are free to appeal to precisely those interests they have, in light of their personal projects, commitments, and so forth arrived at through the free exercise of their rational and evaluative capacities. Since these projects, commitments, and so forth are included in the utilitarian calculus, they can appropriately feature in public debate, and thus form part of the content of public reason.

Such a reading, however, fits uneasily with Mill's explicit commitment to the identification of utility with pleasure in "Utilitarianism." Mill writes:

> The creed which accepts as the foundation of morals, Utility, of the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to promote the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the

> pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain.[134]

Mill's explicit rejection of any standard of evaluation beyond that provided by the pleasure/pain interpretation of the utilitarian standard, if he is indeed committed to it, rules out the pluralist interpretation of Mill's argument in "On Liberty" and "Representative Government." If happiness is the sole standard of moral evaluation—and if happiness consists solely in experiencing pleasure and avoiding pain—then any moral or ethical outlook that does not ultimately appeal to this standard cannot appropriately feature in public reason.

Of course, those who endorse tolerated non-utilitarian moral and ethical standards might offer public reasons derived from their views by translating them into utilitarian reasons. For example, if a religious practitioner finds it painful to see their religious views go unobserved by the rest of society, the pain they feel would count as a (defeasible) reason for mandating that their religious view be generally promoted. Any non-utilitarian tolerated view might undertake a similar translation. By appealing to the pleasure derived from the successful realization of their non-utilitarian values, tolerated groups can appear to introduce their non-utilitarian values into public debate. But this is only an appearance; none of the non-utilitarian values themselves can ever appropriately feature in the justification for political decisions without undergoing this translation. To undergo this translation, however, is to eliminate whatever it is that makes the values in question non-utilitarian; it is, in essence, to reduce every non-utilitarian consideration to the status of a mere means to the promotion of pleasure and the avoidance of pain. Thus, if utilitarianism (or any monist theory) is to serve as the basis of public reason, there will

[134] Mill, "Utilitarianism," in *On Liberty and Other Essays*, 137.

remain a sharp and total distinction between the kinds of values that are tolerated and the kinds of considerations admissible in justifying political decisions.[135]

The sharp disjunction between public reason and the content of tolerated conceptions of the good gives rise to a common objection to Mill's account in "On Liberty." As the objection goes, Mill's utilitarian grounding for toleration fails to provide a justification for democratic organization or any kind of self-rule. As Isaiah Berlin notes, "liberty in this sense is not incompatible with some kinds of autocracy, or at any rate with the absence of self-government."[136] What matters for the justification of public policy for monists is—necessarily—whether or not the policy or decision in question serves as the best means to the realization of the single recognized value. Whether or not the pursuits and activities of individual citizens can make legitimate claims on public recognition and resources is to be settled by reference to the effect of these activities and pursuits on the maximization of aggregate utility, whether or not the activities or pursuits themselves aim at maximizing utility. If, as Berlin argues, there is no necessary connection between toleration and self-government, this is precisely because the reasons that justify particular policies from the standpoint of the utilitarian decision-maker are wholly distinct from the reasons that particular citizens appeal to in deciding what they should do. If there is a single standard by which we must settle every political debate, only considerations that appeal to that standard will be permissible in

[135] Of course, if permitting these reasons in public debate would itself serve to maximize aggregate utility, Mill would be committed to allowing them. The fact remains that non-utilitarian considerations could only be introduced on utilitarian grounds—they would carry only derivative normative significance, since their permissibility in public debate would depend entirely on the underlying utilitarian calculus.

[136] Isaiah Berlin, "Two Concepts of Liberty" in *Liberty*, ed. Henry Hardy (New York, NY: Oxford University Press, 2002), 176. Berlin's discussion here is aimed at Mill's defense of negative liberty, which for our purposes can be treated as equivalent to the scope of toleration (that is, we tolerate just those activities that we take to be within the protected sphere of negative liberty).

justifying a particular policy or institution. Since every tolerated view necessarily does not appeal to the single standard, none of the reasons grounded in or arising out of these views will be part of public reason. For monists, the sphere of tolerated views and the sphere of public reason are wholly disjoint.

Part IV: The Overlapping Consensus

Section IV.1: Rawlsian Toleration: Epistemic, Moral, or Pragmatic?

In contemporary debates concerning toleration, public reason, and the meaning and implications of value pluralism, John Rawls's later works stand alone, both in terms of their influence and their philosophical breadth and rigor. The treatment of these issues Rawls offers in both *Political Liberalism* and "The Idea of Public Reason Revisited" sets the standard against which all competing accounts must be judged, and he introduces considerations that any liberal political theorist must take into account in their own thinking. Although I have already discussed—and objected to-- Rawls's treatment of public reason in Chapter One, it is necessary to briefly discuss Rawls's account of toleration and its connection to public reason as a contrast to the account of toleration and public reason that genuine value pluralism offers.

For Rawls, toleration and liberalism are necessarily and fundamentally intertwined; indeed, as Rawls claims at the beginning of *Political Liberalism*, liberalism itself has its origins in the policies of toleration adopted in response to the religious wars of the sixteenth and seventeenth centuries.[137] Prior to the development of toleration as a

[137] Rawls, *Political Liberalism*, xxiv.

political value, Rawls writes, "Intolerance was accepted as a condition of social order and stability. The weakening of that belief helps to clear the way for liberal institutions."[138] However, Rawls's own view departs from the account of toleration and its value provided by the enlightenment thinkers responsible for this shift, as these figures all fall within the domain of "comprehensive liberalism," a position from which Rawls explicitly distances himself.[139] Instead, Rawls's account is one of "political liberalism," which is distinct from comprehensive liberalism insofar as "it does not aim to replace comprehensive doctrines, religious or nonreligious, but intends to be equally distinct from both and, it hopes, acceptable to both."[140] Of course, not all comprehensive doctrines will be amenable to inclusion within the scope of political liberalism—some comprehensive doctrines will involve commitments that rule out the possibility of existing with dissenting views on fair terms of cooperation, for example, or will be unable to endorse democratic forms of government. Although these illiberal comprehensive doctrines need not be legally or coercively suppressed, they are not treated as full members of society in good standing—in other words, they are tolerated on purely pragmatic grounds. For Rawls, toleration in this stronger sense—the sense of being a member in good standing of the standing political order—is limited to those comprehensive doctrines that are 'reasonable'.

What, then, characterizes a 'reasonable' comprehensive doctrine? How does being 'reasonable' entitle a comprehensive doctrine—and those that endorse and live by it—to toleration? Rawls's characterization of the 'reasonable' is, fundamentally, a

[138] Rawls, *Political Liberalism*, xxv.

[139] Rawls, *Political Liberalism*, xxxviii.

[140] Rawls, *Political Liberalism*, xxxviii.

property of persons. Persons, for Rawls, are reasonable when "among equals […] 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 do likewise."[141] Reasonable comprehensive doctrines, then, are those that reasonable persons can affirm, and in doing so, provide support for those persons' agreeing to fair terms of cooperation with each other. The close connection between toleration and reasonable comprehensive doctrines is most concisely explained by Rawls in "The Idea of Public Reason Revisited." Rawls summarizes "the idea of toleration" as follows:

> (1) Reasonable persons do not all affirm the same comprehensive doctrine. This is said to be a consequence of the burdens of judgment […]. (2) Many reasonable doctrines are affirmed, not all of which can be true or right (as judged from within a comprehensive doctrine). (3) It is not unreasonable to affirm any one of the reasonable comprehensive doctrines. (4) Others who affirm reasonable comprehensive doctrines different from ours are, we grant, reasonable also, and certainly not for that reason unreasonable. (5) In going beyond recognizing the reasonableness of a doctrine and affirming our belief in it, we are not being unreasonable. (6) Reasonable persons think it unreasonable to use political power, should they possess it, to repress the other doctrines that are reasonable yet different from their own.[142]

Rawls, unlike utilitarians or other value monists, does not appeal to an independent value to justify a policy of toleration for reasonable comprehensive doctrines. To do so, of course, would render Rawls's liberalism comprehensive, not political, since any independent value appealed to might not be affirmed by one or more (or, indeed, any) of the reasonable comprehensive doctrines to be tolerated. The independent value of autonomy, for example, cannot serve to justify any particular institution or policy—and thus, cannot justify a policy of toleration in particular—since "it fails to satisfy, given

[141] Rawls, *Political Liberalism,* 49.

[142] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), 176fn93.

reasonable pluralism, the constraint of reciprocity, as many citizens, for example, those holding certain religious doctrines, may reject it."[143] Toleration is a matter of a reciprocal recognition between citizens as free and equal, a recognition that they can and will reasonably disagree with respect to their comprehensive doctrines as well as a reciprocal willingness to nonetheless seek to offer and accept fair terms of cooperation.

Rawls's idea of toleration is primarily a species of moral toleration, although it involves elements of both epistemological and pragmatic justification. It is pragmatic in virtue of its role in avoiding a *modus vivendi*, with all the attendant dangers such a situation involves.[144] Likewise, the burdens of judgment establish the fact of reasonable pluralism, a fact which toleration is a response to, and these burdens reflect our epistemic limitations.[145] Toleration is, of course, a core component of Rawls's political conception of justice, which, despite its independence from any particular comprehensive moral theory, remains "a moral conception," one "worked out for a particular kind of subject, namely, for political, social, and economic institutions."[146] Thus, while Rawls's political conception of justice is "neither presented as, nor as derived from, such a [comprehensive moral or philosophical] doctrine applied to the basic structure of society," it remains a quintessentially moral conception, and the central feature of toleration is justified by reference to the larger moral framework of the political conception itself.[147] The limits of

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[143] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 146. 'Independent' in my terminology here is referred to by Rawls as "purely moral value," that is, one that is independent of what reasonable citizens could agree to—and thus, grounded entirely in a particular comprehensive doctrine.

[144] Rawls, *Political Liberalism*, 147.

[145] Rawls, *Political Liberalism, 60.*

[146] Rawls, *Political Liberalism*, 11.

[147] Rawls, *Political Liberalism*, 12.

toleration are, in turn, set by our willingness and capacity to propose and accept fair terms of cooperation; in a sense, then, we should tolerate those who will, in turn, tolerate us.

Since Rawls's account of toleration proceeds by way of the moral notion of reciprocity, it is subject to neither the contingency objection that arises for cases of pragmatic toleration nor the self-undermining objection to epistemic toleration. Indeed, Rawls's theory explicitly sets out to avoid both of these potential pitfalls for toleration. In the case of pragmatic toleration, Rawls takes great pains to ensure that the rules regulating social interaction will not take the form of a mere *modus vivendi*, a situation characterized not by a willingness of all parties to seek and abide by fair terms of cooperation, but by the (perhaps temporary) balance of interests and strengths that prevents any one group (that is, any one comprehensive doctrine) from asserting its dominance. In the case of a society that lacks the appropriate reciprocal attitudes, Rawls writes, "social unity is only apparent, as its stability is contingent on circumstances remaining such as to not upset the fortunate convergence of interests."[148] Likewise, Rawls is clear that the fact of reasonable pluralism—the fact that we cannot and should not expect consensus on the truth of any particular comprehensive conception—is not a temporary state to be lamented or transcended through further investigation or persuasion. The fact of reasonable pluralism, Rawls writes, "is not an unfortunate condition of human life," and in formulating a conception of justice that respects the inevitability of this fact, "we are not such much adjusting that conception to brute forces

[148] Rawls, *Political Liberalism*, 147.

of the world but to the inevitable outcome of free human reason."[149] Toleration, for Rawls, is a moral imperative, not a temporary measure aimed at overcoming contingent historical circumstances or a response to our epistemic limitations.

Section IV.2: Rawls, Public Reason, and Toleration

How does Rawls's defense of toleration relate to his account of public reason? Given the close connection between the fact of reasonable pluralism and Rawls's idea of public reason, we should expect a corresponding close connection between the scope of tolerated comprehensive conceptions—that is, those that are reasonable—and the content of public reason. That is, unlike value monism, Rawls's account offers a model of public reason that will include at least some of the values and commitments of the set of tolerable—i.e., reasonable—conceptions of the good. In particular, on Rawls's view, public reason will include those reasons and values that form what he calls an "overlapping consensus" of reasonable comprehensive conceptions of the good with respect to settling the fair terms of cooperation that are to govern society.[150]

Not all reasons that feature in reasonable comprehensive conceptions will appropriately feature in public reason, of course, since not all these reasons will be suitably shared by other reasonable doctrines. Indeed, no reason deriving from a comprehensive doctrine is, in itself, permissibly introduced into public debate. Instead, Rawls argues, our reasonable comprehensive doctrines are mediated by the political conceptions of justice we can affirm—it is these political conceptions that are to be the

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[149] Rawls, *Political Liberalism*, 37.

[150] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 143-144.

subject of the overlapping consensus. Even if, as it so happened, every reasonable comprehensive doctrine in society commonly affirmed the value of (purely) moral autonomy, reasons of autonomy could not permissibly feature in debates concerning fundamental political issues unless they were translated into a political conception which, itself, would be the subject of a consensus of the comprehensive doctrines present in society.

Through the mediation of the political conception of justice that is the subject of an overlapping consensus, public reason comes to be constituted by the intersection of the set of comprehensive conceptions of the good. In order for a political conception to be the subject of a stable overlapping consensus, it must be grounded in the comprehensive conceptions that citizens endorse. As Rawls notes, "the roots of democratic citizen's allegiance to their political conceptions lie in their respective comprehensive doctrines, both religious and nonreligious."[151] Let us consider the issue in the following way. Take the total set of reasons present in the total set of comprehensive doctrines that characterize a particular society. The overlapping consensus is to be drawn from the intersection of these reasons—in particular, the subset of the intersection of these reasons that concerns fundamental questions of justice and the basic structure of society. What particular political conception of justice will be supported in a particular society will thus depend on what particular conceptions of justice the comprehensive conceptions in question can affirm, from within each conception itself. The content of public reason is derived from the overlapping consensus on a political conception established through the intersection of the reasons available from within the total set of comprehensive doctrines.

[151] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 153.

The scope and content of Rawls's account of public reason is thus limited in two distinct ways. First, it is limited by the intersection of the comprehensive doctrines present in society, since it is only in virtue of this intersection that an overlapping consensus can be achieved, and a political conception of justice established. Second, it is limited in its applicability, since the political conception of justice is not meant to apply except to the basic structure and constitutional essentials.[152] As we shall see, genuine value pluralism radically expands public reason in both respects. First, it draws no sharp distinction between those questions relating to the basic structure and other political issues. Second, and more radically, genuine value pluralism takes the scope and content to be defined not by the intersection of reasonable comprehensive conceptions, but by the union of genuine values.

Part V: Toleration, Public Reason, and Pluralism

Section V.1: Genuine Value Pluralism and Toleration

How, then, does genuine value pluralism defend the quintessentially liberal value of toleration? What are the limits of toleration—that is, who is to be tolerated, and why? Genuine value pluralism, as I have argued, involves three fundamental commitments. First, that there are multiple values. Second, that these values are, to some extent, independent of one another, that is, that they provide different respects in which options or pursuits are good, or different rankings of options available to us. Third, and finally, genuine value pluralism holds that, at least sometimes, these values can conflict, that we

[152] Indeed, it is further limited with respect to whom it applies—primarily government officials, such as legislators and judges, although there are exceptions.

can and do face choices between values. As I argued in Chapter Two, it follows from these fundamental presuppositions of genuine value pluralism that there will be, in general, no best all things considered option, at least in the sense of "best" that is equivalent to "most valuable *simpliciter*". Instead, whenever we face a choice of options where more than one independent value is salient, we can at most choose an option that is best with respect to one value, maintaining our judgment that this option is worse than another with respect to some other value. What makes our choice of this option nonetheless rationally grounded is the interrelation between our values and our positional considerations, those features of ourselves and the choice situation that render one value decisive for our choice.

Moving, then, from genuine value pluralism as applied to an individual's practical reasoning to the social case, we can understand the content and scope of toleration as follows. Genuine value pluralism, with its recognition that there are many values, not all of which can be realized in a single choice or even during a single life, immediately implies significant justification for liberal toleration. Since genuine value pluralism involves the recognition that there are valuable pursuits and projects that we ourselves do not value—that we do not take to be decisive for our choices—the extension of genuine value pluralism to the political domain demands the recognition that our fellow citizens are responding to and realizing genuine values, even when engaged in activities and projects that we ourselves have no interest in pursuing. Toleration, under conditions of genuine value pluralism, depends on Samuel Scheffler's distinction between valuing and

(merely) judging valuable.[153] Those activities and projects—those comprehensive conceptions, in Rawls's terminology—that we should tolerate are those that we judge to be genuinely valuable, regardless of whether or not we value them ourselves.

Indeed, as Scheffler argues, (merely) judging valuable does give us reasons for acting and responding in certain ways.[154] Of course, our reasons deriving from mere judgments of value will be far less extensive and demanding than those deriving from actually valuing. Nonetheless, we do have reasons to avoid denigrating, destroying, or impeding someone else's pursuit of an activity or project that we judge valuable. And, of course, this is precisely what (at a minimum) liberal toleration requires of us. To attempt to use the coercive mechanisms of the state to impede, forbid, or otherwise disadvantage some comprehensive conception that we judge to be valuable (but do not value ourselves) is, at the very least, *prima facie* impermissible, since it goes against the *prima face* reasons we have in virtue of our judgment that the comprehensive conception is genuinely valuable. Genuine value pluralism thus offers an account of moral toleration grounded in the truth of value pluralism itself; to the extent that there is a wide range of genuinely valuable ways of living, we are at the very least required to permit individuals the freedom to pursue any one of them.

Of course, genuine value pluralism need not—and does not—involve a commitment to the claim that any way of living or putative value is genuinely valuable. Individuals can, and perhaps often do, make serious evaluative mistakes, and pursue ways of life that fail to realize any genuine value at all; this is simply to say that genuine

[153] Samuel Scheffler, "Valuing," in *Equality and Tradition* (New York, NY: Oxford University Press, 2010), 21.

[154] Scheffler, "Valuing," in *Equality and Tradition*, 34.

value pluralism need not involve a commitment to either moral relativism or subjectivism about value. How, then, are we to determine the limits of toleration? What views and pursuits are we to tolerate? Given the reasons we have for toleration arising out of judging valuable (without necessarily valuing ourselves), genuine value pluralism in the political domain demands that we tolerate any comprehensive conception (or pursuit, or activity, or so forth) that is *prima facie* valuable. That is to say, unless we have strong evidence or reason to deny the value of a particular comprehensive doctrine, we ought to tolerate it; the burden of proof rests squarely on the shoulders of those who propose intolerance.

Such a burden can, and sometimes will, be met. For example, the coherence or soundness of some comprehensive doctrines might depend on empirical or metaphysical claims we have excellent reasons to reject, or involve invalid inferences in the attempt to establish some particular pursuit as valuable within the comprehensive doctrine itself. For example, one can imagine a comprehensive doctrine that takes racial purity as a valuable end to be pursued, which depends for its coherence on some particular folk notion of race. Such a comprehensive doctrine, however, fails to have even *prima facie* value as a way of life, since the folk notion of race it presupposes fails to track any natural kind or biological category. Likewise, particular features or aspects of a comprehensive doctrine may fail to be genuinely valuable, although the comprehensive doctrine itself may continue to realize genuine value. Doctrinal debates within religious communities, for example, often take the form of respecting the general comprehensive

doctrine while disputing some particular evaluative commitment or claim.[155] Questions about whether some particular practice or doctrine realizes or instantiates a genuine value can only be settled through the difficult work of first-order ethical and evaluative investigation. We may, and indeed almost certainly will, lack a simple general method for resolving such disputes, but this difficulty need not and does not prevent us from rendering justified and reliable judgments about particular putative values in particular cases. What genuine value pluralism in the political domain requires of us is that we undertake this difficult and complex investigation before excluding any *prima facie* valuable doctrine or pursuit from the realm of toleration.

Genuine value pluralism grounds its justification of toleration in an obligation it imposes upon citizens of a genuinely pluralist polity to treat their fellow citizens as *prima facie* good valuers—that is, to treat the projects, commitments, and doctrines of their fellow citizens as *prima facie* valuable. The tolerant stance we are to adopt with respect to the particular pursuits, projects, and doctrines of our fellow citizens as *prima facie* derives from our more fundamental obligation to treat them as *prima facie* competent evaluators. What does it mean to treat our fellow citizens as *prima facie* competent valuers? Consider, by way of analogy, what it takes to treat another person as a *prima facie* competent epistemic agent—as a competent cognizer for example. To treat someone as a competent epistemic agent is to treat the fact that they believe that *p* as evidence in favor of *p*, evidence that, in the absence of any countervailing considerations, should lead us to believe that *p* ourselves (or to grant greater credence to *p*, or so forth, depending on our favored epistemic theory). If someone tells me "it is raining," and I

[155] Debates concerning the permissibility of homosexuality within mainstream American liberal churches illustrate this phenomenon quite clearly.

have no reason to believe that they are delusional, likely to have false beliefs regarding the weather, or so forth—that is, if I treat them as a competent believer—I myself should believe that it is raining. Of course, such evidence is defeasible, both with respect to any particular belief and with respect to an agent's competence. If I have strong reasons to doubt that someone's belief is well founded, either because I have reason to doubt their competence in this particular case (or in cases like the current one) or because I have positive reason to reject the proposition their belief affirms, of course, I need not accept their judgment in this particular case. Doing so, however, is still consistent with treating them as a *prima facie* competent reasoner in general, and in treating their other assertions and beliefs as evidence in favor of the asserted or believed proposition. It requires significantly more evidence to undermine our belief in their general competence—evidence of serious mental illness, for example, or of some sort of systematic epistemic defect on their part.

Treating our fellow citizens as *prima facie* good valuers, then, requires treating the things, projects, commitments, and doctrines they endorse as *prima facie* valuable. This does not, of course, rule out the possibility of normative or evaluative error on their part, or even the possibility that any particular individual is not, in fact, a good evaluator. What genuine value pluralism does require is that such a judgment—that a fellow citizen is not a competent valuer—be the exception, not the rule. The scope of toleration is thus necessarily indistinct, as we should tolerate any pursuit, commitment, or doctrine whose value we do not have overpowering evidence to reject. Genuine value pluralism thus justifies a socially tolerant policy on similar grounds to Mill. Mill, recall, justifies toleration by appealing to the special authority individuals have regarding their own

interests; genuine value pluralism justifies toleration by treating individuals as *prima facie* competent valuers.[156] We cannot, of course, know ahead of time or with any certainty what our fellow citizens value, but we can—and, if we are genuine pluralists, should—treat the fact that they value some pursuit, project, or doctrine as evidence in favor of that pursuit, project or doctrine's being genuinely valuable. Even if I myself cannot see what about watching reality TV, or opera, or jogging, for example, makes it a worthwhile activity, treating those who engage in such activities as *prima facie* competent valuers requires me to tolerate those who engage in them. Of course, if the obligation to tolerate that genuine value pluralism impresses upon us applied only to the pursuits, projects, and doctrines—and not, as it does, most fundamentally to the persons who value them—my lack of any interest in or desire to engage with the pursuits in question might count as strong evidence against their being valuable. At the very least, such a view would require me to engage in significant amounts of imaginative engagement in order to discern what about such projects or activities could make them worthwhile, which would in turn impose serious epistemic and cognitive costs on each member of a genuinely pluralist polity. Since genuine value pluralism's commitment to toleration fundamentally consists in treating individuals as competent valuers, and only takes those things they value as *prima facie* genuinely valuable because of this more fundamental obligation, it imposes no such serious costs, nor does it count my own disinterest as evidence against the value of the project or pursuit in question.[157]

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[156] Of course, "one's own interest" is likely to be included among the things one correctly values, but unless we accept an implausibly strong version of rational egoism, what we value will include much more than our own interests.

[157] This is why my account of toleration depends only on "not valuing" instead of "not judging valuable" or "actively disvaluing". I am willing to stipulate this as a working definition of tolerance; if others disagree,

Section V.2: Genuine Value Pluralism, Toleration, and Public Reason

How does genuine value pluralism conceive of the relation between toleration and public reason? As we have seen, value monism draws a sharp line between the content of tolerated conceptions and the scope of public reason—no tolerated view can appropriately feature in the justification of political decisions. Rawls's account of public reason relies on an overlapping consensus of reasonable—that is, tolerable—conceptions, drawing the content of public reason from the intersection of the total set of moral and evaluative commitments that citizens endorse. Genuine value pluralism, I argue, radically expands the scope and content of public reason in comparison to both value monism and Rawls's overlapping consensus. According to genuine value pluralism, the content of public reason is coextensive with a substantial subset of the total set of genuinely valuable pursuits, namely, those that are themselves consistent with the affirmation of value pluralism itself.

Given the commitment of genuine value pluralism to tolerate any view that is *prima facie* genuinely valuable, it is tempting to view public reason consisting in the total set of genuinely valuable reasons. That is to say, since value pluralism treats individual conceptions and pursuits as *prima facie* genuinely valuable, it is natural to assume that any such conception or pursuit can appropriately feature in political deliberation and decision. And, indeed, in a sense this is true—whenever an individual appeals to a reason grounded in a *prima facie* genuine value in justifying a political action, she does so appropriately. In another sense, however, this conception of public reason ignores our obligation to our fellow citizens in light of our duty to recognize their pursuits as *prima*

and want a stronger notion of tolerance, I am happy to accept that we simply don't *tolerate* under conditions of genuine pluralism, but rather *accept* or *embrace* other ways of living.

facie genuinely valuable as well. The content of public reason, that is, the reasons we can appeal to in justifying our political decisions, is indeed coextensive with the set of all reasons deriving from genuine values. What is missing from this picture is an account of how we are to use these reasons in our political deliberations and justifications. Since political decisions aim not at individual action but collective policy, they must be governed by the requirement that we take into consideration all genuinely valuable conceptions, not merely those that we ourselves value. On this view, we cannot privilege our own pursuits or projects in our political deliberations simply because we value them, so long as we recognize that others are also engaged in genuinely valuable pursuits, which we ourselves do not value. The truth of genuine value pluralism limits the kind of reasoning we can engage in while inhabiting the public sphere, by disallowing those modes of reasoning inconsistent with the truth and affirmation of pluralism itself.

Public reason under conditions of genuine value pluralism is thus distinguished from public reason under both value monism and Rawls's account in two ways. First, as we have seen, it is radically expansive in its conception of what counts as a legitimate ground for political deliberation and decision. Second, it draws no deep distinction between different kinds of political deliberation. For the utilitarian, the kind of practical and even public deliberation that individuals engage in when deciding how they shall act—drawing on religious doctrines, non-utilitarian moral theory, and so forth—bears little relation to the strictly utilitarian justification that authorities must rely on in setting public policy. For example, while Mill's utilitarian toleration leaves individuals free to pursue their own interests according to their own best understanding of the good, political institutions and organizations are to satisfy the principle of utility. There is thus a

twofold distinction, between who must use the utilitarian calculus in their deliberations (that is, policy makers), and to what the utilitarian calculus applies (public institutions and policies). Rawls maintains this distinction between those responsible for abiding by his restrictions on public reason as well as to what public reason applies. Rawls's first two (of five) aspects of public reason make this distinction clear. Public reason, Rawls argues, is distinctive in both "the fundamental political questions [namely, to the design of the basic structure] to which it applies," and "the persons to whom it applies (government officials and candidates for public office)."[158] Government officials and candidates for public office, Rawls argues, constitute the "public forum" which is the appropriate arena for the use of public reason.[159] Outside of this public forum, in the "background culture," public reason simply does not apply.[160]

Genuine value pluralism draws no sharp distinction between fundamental political questions concerning the basic structure of society and everyday political decisions concerning, for example, the expenditure of public monies. Instead, genuine value pluralism commands us to attend to the full range of genuine values whenever we engage in political deliberation or decision, that is, whenever our decisions are to be backed by the coercive mechanisms of the state.[161] Nor does it draw any sharp distinction as to who must abide by the requirements of public reason. Whenever any citizen engages in political activity—voting on referenda, voting for candidates, campaigning, lobbying, and so forth—genuine value pluralism requires them to recognize that values which govern

[158] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 133.

[159] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 133.

[160] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 134.

[161] Including, of course, deliberations about how to spend public monies collected through taxation.

their own lives are but a small fraction of the total set of genuine values present in society. It is this total set of genuine values that is to guide our political deliberations and ground our political decisions. Of course, elected officials and bureaucrats will engage in such deliberations and make such decisions with greater frequency than will most citizens, simply in virtue of the nature of their profession. The fact that most citizens have fewer opportunities to engage in public reason, however, does not alter their obligation to abide by its requirements whenever they do engage in such activities.

Section V.3: Two Challenges to Public Reason and Genuine Value Pluralism

At this point, let us consider two challenges to the model of public reason that genuine value pluralism provides us. The first, and perhaps most apparent, problem is that genuine value pluralism provides us with a surfeit of reasons to engage with in our political deliberations. Instead of considering only those reasons arising out of a single standard, as in monism, or a single complete political conception of justice, as in Rawls's view, genuine value pluralism requires us to consider an enormous diversity of incommensurable values when deliberating. If, as I argued in Chapter One, Rawls's account of public reason is impoverished, value pluralism threatens the opposite problem; instead of too few reasons, we have too many. However, as I argued at the end of Chapter Two, genuine value pluralism is not without resources to appeal to in helping to determine which of the diverse values should govern our decision. Recall that, in the case of practical reason, we can make rational choices between incommensurably valuable options by appealing to what I called 'positional considerations,' those non-evaluative considerations that can serve to render some particular value decisive for a

choice. Of course, in the case of public reasons, it would be inappropriate to appeal to the same positional considerations that justify our choices in the case of practical reason. After all, the positional considerations appropriate to cases of practical reason are closely linked to the individual's particular situation, since they are those considerations that make it the case that she values some particular projects and pursuits from among those she judges valuable.

Nonetheless, as I indicated in Chapter Two, there are positional considerations available to us in the case of public reason, drawing not on our particular situations and values as individuals, but our social, historical, and material circumstances. These public positional considerations provide us the means for deciding which of the values we should attend to when facing a choice for which multiple incommensurable values are relevant. Our best judgments concerning economics, sociology, and history—informed by our best empirical research—provide one key source of public positional considerations for deciding which values should govern our choices. More important, perhaps, are public positional considerations deriving from our prior choices and modes of social organization, as genuine value pluralism prioritizes the rectification of past injustices by rendering their existence and lingering effects visible to us.[162] In any case, however, we will still be left with conflicts between values, not all of which can be perfectly realized, and some of which may have to be sacrificed without adequate compensation. This feature entails that public reason will not yield a conception of justice that Rawls calls "complete." A conception of justice, Rawls argues, is complete if

[162] As we shall see in Chapter Four, genuine value pluralism offers a starting point for doing political philosophy from within non-ideal theory. By making historical and continuing injustices evident in political deliberation, genuine value pluralism's account of public reason responds to Elizabeth Anderson's three critiques of ideal theory. See Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 3-7.

it should "express principles, standards, and ideals along with guidelines of inquiry, such that the values specified by it can be suitably ordered or otherwise united so that those values alone can give a reasonable answer to all, or nearly all, questions involving constitutional essentials and matters of basic justice."[163] Genuine value pluralism denies that any such conception is, in general, possible, since it takes as its starting point the full range of genuine values that citizens endorse and denies that any general ordering among these values is possible.

Genuine value pluralism views the activity of political debate, and the realm of public reason in which it is carried out, as always and necessarily one of conflicting values, some of which must be sacrificed so that others can be realized. Conflict and loss, genuine value pluralism holds, are ineliminable features of our political lives, and we cannot hope to escape them by offering a ranking of values such that a single institutional scheme or mode of social organization could come to be recognized as best all things considered. Instead, genuine value pluralism acknowledges that every political decision involves tradeoffs; it is the messy business of political debate and compromise to navigate these tradeoffs. Genuine value pluralism demands of us that we recognize these losses as losses; and, furthermore, that these losses themselves should count, in the future, as positional considerations speaking in favor of attending to the lost value in future decisions.

Second, one might charge that genuine value pluralism fails to provide a sufficiently shared basis for public reasoning and, thus, will fail to satisfy the liberal principle of legitimacy that Rawls defends. Legitimacy, Rawls argues, require that we

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[163] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 145.

"sincerely believe that the reasons we would offer for our political actions—were we to state them as government officials—are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons."[164] Rawls takes this principle to rule out reasons grounded in comprehensive doctrines, since we cannot reasonably expect our fellow citizens to accept them, should they endorse an incompatible comprehensive doctrine. Since genuine value pluralism permits a far wider range of reasons in public debate than Rawls's overlapping consensus, it can appear that genuine value pluralism is illiberal, at least to the extent that it permits decisions and institutions justified by reference to doctrines and pursuits that not all citizens themselves value. Genuine value pluralism, of course, does require that citizens accept something like a single comprehensive doctrine—that of value pluralism itself. However, genuine value pluralism is not itself a comprehensive doctrine in the sense of providing us with an account of what is valuable, or generating reasons for us to pursue some particular activity or project over others. As we have seen, genuine value pluralism offers a robust justification for liberal toleration, grounded in the truth of pluralism itself. Other core liberal values, such as autonomy, are likewise central to a political system organized in accordance with genuine value pluralism.[165] Genuine value pluralism does not require us to value the pursuits and projects of our fellow citizens of course—but it does require that we treat them as *prima facie* valuable. It is in this sense that genuine value pluralism respects the reciprocity condition for legitimacy that Rawls outlines. Political decisions

[164] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 137.

[165] See Joseph Raz's *The Morality of Freedom* for an especially powerful defense of autonomy that affirms the truth of value pluralism. Joseph Raz, *The Morality of Freedom* (New York, NY: Oxford University Press, 1986).

are legitimate when they are made on the basis of reasons that derive from a doctrine that is commonly recognized as *prima facie* valuable.

Even granting that genuine value pluralism can answer the charges of illiberalism and underdetermination, it remains true that it does lack a clear unified standard by which to judge the appropriateness of different modes of social organization. Utilitarianism, of course, offers the principle of utility as precisely such a standard. Rawls, with his requirement that political conceptions be complete likewise offers a single basis upon which to settle fundamental questions of justice and social organization. By rejecting the possibility of such a standard, genuine value pluralism closely aligns itself with the non-ideal tradition in political theory—and it is this aspect that I focus on in Chapter Four.

Chapter Four:

Value Pluralism and Anti-Utopianism

Accepting genuine value pluralism entails a radical expansion of the scope and content of public reason. This expansive conception of public reason resolves the dilemma presented in Chapter One. If we accept genuine value pluralism and the expansive conception of public reason, we can be confident in the justification of our political decisions, insofar as we consider the full range of genuine values that bear on the issue at hand, appealing to the positional considerations that render some particular value decisive for our choice. Legitimacy is ensured whenever we treat our fellow citizens as *prima facie* competent valuers, and their projects and commitments as *prima facie* valuable. Since our fellow citizens, by the principle of reciprocity, will likewise treat each other citizen as a *prima facie* competent valuer, the reasons we appeal to in justifying our political decisions will be suitably shared. Genuine value pluralism thus offers a stable, robust defense of quintessential liberal practices and institutions. Accepting genuine value pluralism, however, is not without its costs; the aim of this chapter is to defend our acceptance of genuine value pluralism against two challenges.

In particular, I ask how genuine value pluralism relates to utopian theorizing and the possibility of social criticism and change. More specifically, I consider two related challenges to accepting genuine value pluralism—that it entails either a reductive form of moral and ethical relativism, or that it commits us to a conservative approach to social change. As we shall see, the force of both objections comes from misunderstanding the relation between genuine value pluralism and the grounds available for criticisms of

existing modes of social and political organization. While a commitment to value pluralism does entail viewing others as *prima facie* competent valuers, and their projects, commitments, etc. as *prima facie* genuinely valuable, it does not require us to abstain from ethical and political criticism. Furthermore, while public reason under conditions of value pluralism does involve taking our background political culture and historical and social circumstances as important components of political decision making, it leaves open the possibility of criticizing widespread and entrenched institutions and policies, as well as the possibility of radical social change.

Let's begin with a brief sketch of genuine value pluralism, as I understand it. Genuine value pluralism treats the plurality of values as a claim about the structure of our values, and not (merely) a claim about the existence of different evaluative beliefs or commitments. In other words, there genuinely is a plurality of values, not just a plurality of evaluative outlooks. An individual agent, I argue elsewhere, is not simply without guidance with a view to this plurality. Practical reason can and must draw on what I call "positional" considerations which serve to select one value from among those that bear on our choice as providing the decisive ranking of options. In the case of public reason—the subset of practical reason constrained by political norms—these positional considerations include historical circumstances, past injustices and inequalities, our agreed-upon political values and general civic culture. Still, genuine value pluralism involves a radical expansion of the sphere of public reason. On Rawls's view, for example, the sphere of public reason is constituted by the set of reasons that are part of an overlapping consensus of reasonable comprehensive conceptions of the good. Since to be seen as a full member of the political order requires being reasonable, we can see that

the set of tolerated views (in a robust sense of toleration) is equivalent to the set of reasonable comprehensive conceptions of the good. Thus, the sphere of public reason is defined as the intersection of the sets of reasons that comprise the total set of tolerated views. If we instead accept genuine value pluralism, it is sufficient for inclusion in the sphere of public reason that the consideration is grounded in a genuinely valuable pursuit or project. There are limits of toleration, chief among them consistency with the acceptance of genuine value pluralism itself. Nevertheless, even those with great sympathies for value pluralism may worry that the version of it that I defend is too inclusive: it may come dangerously close to unpalatable forms of relativism, and it may lack the resources to account for inter-societal criticism. Conversely, given the prominent role that positional considerations must play in the expansive conception of public reason entailed by genuine value pluralism, calls for radical social change and reform will be inevitably unjustified.

Part I: Pluralism and Anti-Utopianism

Section I.1: Practical Anti-Utopianism

Let us begin by distinguishing between two kinds of anti-utopian theory, practical anti-utopianism and theoretical anti-utopianism. Practical anti-utopians may allow that, in principle, a perfect political order is possible—at least in Hume's sense of possibility-as-conceivability. What the practical anti-utopian will deny, however, is that such a state of affairs is, as a matter of fact, either achievable or sustainable. Thomas Nagel, for example, describes the anti-utopian impulse in *Equality and Partiality* as: "What is right

must be possible, even if our understanding of what is possible can be partly transformed by arguments about what is right."[166] According to Nagel, any attempt to specify or realize an ideal social order must be tempered by our recognition of the psychological and motivational capacities of those who are to be subject to the ideal. As Nagel writes, "The danger of utopianism comes from the political tendency, in the pursuit of the ideal of moral equality, to put too much pressure on individual motives or even to attempt to transcend them entirely through an impersonal transformation of social individuals. A nonutopian solution requires a proper balance between these elements, and that requires knowing what they are and how they interact."[167] Consider also a pessimistic Marxist, who claims to specify an ideal mode of economic and social organization, but admits that, due to the particular historical path we have taken, such a society is now (sadly) unachievable.[168] Finally, we can read the later Rawls (especially the Rawls of *Political Liberalism*) as a practical anti-utopian. Having rejected the earlier comprehensive moral foundation of *A Theory of Justice*, Rawls seeks a compromise between the demands of justice on the one hand and the fact of reasonable pluralism on the other.[169] Furthermore, from within Rawls's framework, each of the parties to the overlapping consensus must be at least a practical anti-utopian. Each of the parties to the overlapping consensus has their own comprehensive conception of the good, and it is at least possible that some of these

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[166] Thomas Nagel, *Equality and Partiality* (New York, NY: Oxford University Press, 1991), 26.

[167] Nagel, *Equality and Partiality*, 24.

[168] Marx himself, of course, did not offer a specification of the ideally just society that would follow capitalism.

[169] This is precisely the tension that G. A. Cohen appeals to in his criticism of Rawls's work in *Rescuing Justice and Equality*. G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008).

conceptions of the good are utopian in so far as they specify an ideal social or political order.[170] However, since each of the parties is reasonable and accepts the fact of reasonable pluralism, they also accept that their ideal order cannot be realized except through illegitimately illiberal means, such as restrictions on freedom of conscience and freedom of speech. Thus, while it remains possible to specify an ideal mode of social and political organization, such an ideal can function, at most, in a regulative capacity and cannot be realized (under the epistemic and social circumstances prevailing today).[171]

What makes practical anti-utopianism *practical* is the source of the impossibility of realizing the specified ideal, alongside a commitment to the conceivability of the ideal. The practical barriers to the realization of the ideal may, on the one hand, derive from some deficiency of humans, either cognitive or moral, such as when we take ourselves to lack the ability to either fully grasp or live by the ideal rules that we think ought to govern society. On the other hand, we might take the impossibility to be normative in the sense that we judge that the path to realizing the utopian ideal would require means that are impermissible, according to either the utopian ideal itself or according to our other moral commitments. Whether the practical impossibility arises from the weaknesses of human nature—out of which, as Kant famously claimed, no straight thing was ever made—or because the path from our current state to the utopian ideal would violate

[170] For example, a reasonable religious conception of the good might hold that the ideal social or political order would be one in which all citizens voluntarily accepted the doctrine of the church and organized their lives around its teachings. This mode of organization, in turn, would reflect the regulative ideal specified by the religious text itself—for example, the kind of ideal specified by Augustine in *City of God*. See St. Augustine, *City of God*, trans. Henry Bettenson (New York, NY: Penguin Books, 2003).

[171] Of course, some of the parties to the overlapping consensus might be not merely practical but also theoretical anti-utopians.

moral constraints, so long as we continue to affirm the conceivability and the in-principle desirability of the utopian ideal, we will endorse practical anti-utopianism.

Section I.2: Theoretical Anti-Utopianism

Theoretical anti-utopians, by contrast, reject the coherence or conceivability of a utopian ideal itself. Isaiah Berlin indicates his opposition to the very possibility of a utopian ideal in *Two Concepts of Liberty*. For Berlin, the very practice of political theory and political philosophy depends on the disagreement about what ends we ought, individually or collectively, to pursue. Berlin argues that we have no reason to suspect that our moral and ethical lives will, or even can, exhibit the kind of coherence and harmony that would make the specification of a utopian ideal possible:

> But if we are not armed with an a priori guarantee of the proposition that a total harmony of true values is somewhere to be found—perhaps in some ideal realm the characteristics of which we can, in our finite state, not so much as conceive—we must fall back on the ordinary resources of empirical observation and ordinary human knowledge. And these certainly give us no warrant for supposing (or even understanding what would be meant by saying) that all good things, or all bad things for that matter, are reconcilable with each other. The world that we counter in ordinary experience is one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realisation of some of which must inevitably involve the sacrifice of others.[172]

It is no surprise that Berlin's essay, one of the foundational texts for genuine value pluralism, is opposed to utopian thinking even in principle. Genuine value pluralism rules out the very possibility of specifying a utopian ideal, understood as the best all things considered mode of social and political organization. The plurality of independent values ensures that, in most cases, no single option will be at least as valuable as any other; since there is no common currency or super-value to adjudicate in cases of conflict,

[172] Isaiah Berlin, "Two Concepts of Liberty," in *Liberty* ed. Henry Hardy (New York, NY: Oxford University Press, 2002), 213-214.

we will be, in general, unable to claim that one particular mode of social and political organization represents the best, or most valuable, or perfect form of social life. Genuine value pluralism's opposition to utopian theorizing is thus not only practical but theoretical—not only does it deny that utopian schemes are doomed to failure in practice (whether the source of the impossibility is factual or normative), but that such theorizing is fundamentally mistaken as a matter of principle. Different institutional schemes, constitutional essentials, distributive principles, and the like will satisfy different values. If genuine value pluralism is true, there will be no general method of adjudicating between such conflicts—we have no assurance that there will be a clearly correct option when we face a choice between disparate values.[173]

Genuine value pluralism's theoretical anti-utopianism is not without difficulties. By giving up on any hope of specifying an ideal mode of social and political organization, it appears that genuine value pluralists have given up on having a standard of evaluation by which to judge the comparative merits of different political institutions and arrangements. Practical anti-utopians can abandon any hope of achieving an ideal social order while maintaining the importance of the utopian scheme as a regulative ideal. A range of possible political arrangements can be ranked according to their conformity to or departure from the ideal. In so far as genuine value pluralism rejects the possibility of a coherent utopian ideal, it at the same time rejects the possibility of using any such ideal as an evaluative standard by which to judge or rank possible states of affairs or political arrangements. Since, by hypothesis, any attempt to realize a utopian ideal will fail to

[173] This is a consequence of the impossibility of combining the rankings provided by distinct values into a complete ordering and, thus, the impossibility of settling on an option that is better than any other (or a set of options at least as good as any other, in the case of ties). See Chapter Two, Section I.2-I.3 for a detailed argument for this conclusion.

respect the diversity and plurality of values that should appropriately feature in our political decisions, theoretical anti-utopianism (like some versions of practical anti-utopianism, Nagel's among them) has a moral component. For the genuine value pluralist, we ought not seek to achieve a utopian ideal, not only because (if pluralism is true) the specification of such an ideal would be impossible, but because the realization of any putative ideal would require the unacknowledged sacrifice of some genuine values.[174]

Of course, the impossibility of specifying a perfectly just or good society need not preclude the possibility of making rational choices between options, nor the possibility of making rational judgments of comparative value. In *The Idea of Justice*, Amartya Sen argues that what he calls "the transcendental approach" to theories of justice is neither necessary nor sufficient for making comparative judgments of justice and injustice. Sen writes, "If a theory of justice is to guide reasoned choice of policies, strategies, or institutions, then the identification of fully just social arrangements is neither necessary nor sufficient."[175] Specifying an ideal society as a standard of measurement against which potential reforms are to be judged is insufficient since merely having an ideal standard in place does not provide us with any indication of how to make trade-offs that don't result in strict improvements. While a precise specification of a utopian society might provide us with an ideal to aim for, without substantial further information, it

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[174] The sacrifice would be unacknowledged, of course, precisely because the ideal in question is utopian and would, by definition, be perfect (or, at least, that the loss of some values would be compensated for, or overweighed by, the gain in others, since the ideal order is at least as good as any alternative).

[175] Amartya Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009), 15.

cannot (itself) tell us which of two less than ideal societies we should aim at.[176] At the same time, Sen argues, specifying an ideal form of social arrangements is unnecessary for making the kinds of judgments of comparative justice that we are faced with in our current circumstances.[177]

Thus, pluralism's commitment to theoretical anti-utopianism does not eliminate the possibility of either rational judgments of comparative value or rational choices between incommensurably valuable options. Nonetheless, there remain two significant challenges to value pluralism arising from its commitment to theoretical anti-utopianism. While Sen's arguments suffice to show that the lack of an ideal mode of political organization doesn't undermine our ability to make rational judgments of comparative merit, there remains a possible objection: the problem of relativism. Likewise, while genuine value pluralism is compatible with rationally choosing one option over another, the fact that such choices are grounded in our historical, material, and social circumstances raises the possibility that genuine value pluralism leads to a conservative stance with respect to social upheaval and change. I will treat each of these problems in turn.

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[176] Sen, *The Idea of Justice*, 98-101.

[177] Sen, *The Idea of Justice*, 101-102.

Part II: The Problem of Relativism for Value Pluralism

Section II.1: The Strong and Weak Problems of Relativism

Let's begin with an initial statement of the problem of relativism for political theory under conditions of genuine value pluralism. Recall that, under conditions of genuine value pluralism, the sphere of public reasons consists in the total set of reasons generated by genuinely valuable pursuits and projects. When we face a choice among many options—as we do, when deliberating about how we should act—we are to first settle on an optimal set of options, that is, a set of options that are ranked first by at least one value. Once we have determined an optimal set, we are to appeal to our background positional considerations to select a value as governing our choice. In the case of public reasons, these considerations will be drawn from our historical, social, and material circumstances, as well as the background political culture, shared values, constitutional understandings, and ethical traditions. By appealing to these considerations in selecting a value as governing our decision, we can avoid the problematic consequences of Arrow's Theorem while maintaining the rationality of our decision.

Accepting this model of public reason entails that the justification of any particular political decision will depend, in part, on our particular historical, social, and material conditions. Such a consequence is one of the significant benefits of accepting genuine value pluralism in political theory. If positional considerations play the role I argue they play in our political deliberations, our theory of public reason is much more responsive to historical injustices and inequalities than other theories of public reason—such facts are directly relevant to our choices in a way that they are not in Rawls's

system, for example, or in monistic reasoning. However, giving such a prominent place to positional considerations does relativize the correctness or justification of a political decision to a particular set of historical, social, and material conditions. For example, consider the difference in free speech protections in the United States and Germany. While racist and neo-Nazi speech enjoys considerable protections in the United States—as does most hate speech—it is criminalized in Germany. The different historical circumstances of the United States and Germany underlie this difference—without appealing to such considerations, we lack the resources to explain why it's rational for the United States to permit such speech and for Germany to prohibit it.[178] Conversely, the United States includes race as a component in affirmative action policies, while Germany does not.[179] The different historical circumstances of Germany and the United States—most importantly, the long-standing fact of widespread discrimination against African Americans—justifies and rationalizes this difference. Again, the inclusion of positional considerations allows us to make sense of how both policies—including and excluding race as a relevant category for affirmative action—can be appropriate in one context and inappropriate in another.

Giving such a prominent role to the social, historical, and material conditions in justifying political decisions, however, threatens to undermine the basis of social and political criticism. In particular, this threat arises from the apparent relativistic commitments of genuine value pluralism. If the justification, correctness, or

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[178] Of course, it might be the case that one or the other (or both) policies are unjustified or incorrect. I'm assuming here that the different policies adopted by the United States and Germany are, indeed, justified by their different circumstances.

[179] Germany does include provisions for affirmative action in favor of women, the disabled, and economically disadvantaged individuals, but not race. GG§3 (Germany).

appropriateness of a political decision depends on the particular social, historical, and material circumstances of the person or society in question, and thus, that what is right, or just, will likewise depend on the particular social circumstances.

We should distinguish at the outset between two forms of social criticism—inter-societal criticism and intra-societal criticism. The sketch of the relativistic worry provided above applies primarily to inter-societal criticism; from within a single society, each citizen can draw on a common set of background values and historical facts to ground their political deliberations. Likewise, this set of common positional considerations can ground criticisms of existing social and political institutions, since they can render salient or relevant values that can speak in favor of social reform and against the status quo. As we shall see in Sections Five and Six, however, there is a related worry facing intra-societal criticism. For the moment, let us focus our attention on the problem of relativism for inter-societal criticism under conditions of genuine value pluralism.

Given the role of the background political culture, as well as the historical, social, and material conditions in public reason, the correctness or justification of a particular policy or institution will be assessable only relative to the particular society in which the policy or institution is enacted. If this is so, then inter-societal criticism can look, in general, unjustified or inappropriate. After all, the kinds of policies or institutions appropriate for one society are, *ex hypothesi*, inappropriate given a different background political culture or different social, historical, and material conditions. In the case of inter-societal criticism, the background political culture and social, historical, and material conditions are not suitably shared, and thus, any attempt at offering robust inter-

societal criticisms appears to be unjustified. Call this problem the *Problem of Relativism for Social Criticism*.

We should be careful not to misstate the Problem of Relativism. The worry is not merely that what is correct for one social context is inappropriate in another, and thus, that inter-societal criticism is inappropriate. After all, as the adage recommends, when in Rome, do as the Romans do. By itself, this is not 'real' relativism. The fact that the appropriateness of a policy or institution depends on the background context does not entail that there can be no fact of the matter as to whether or not a policy is appropriate or justified. The relation between the background context and the appropriateness of a decision or policy can be assessed by third parties to the decision. That is, just as an individual deliberating when faced with a choice of incommensurably valuable options can be criticized for failing to respond appropriately to her positional considerations by outside parties, we can assess the correctness or justification of public decisions made by different societies in light of their responsiveness to the background context, including the relevant background political culture and their historical, social, and material circumstances. If this is so—and nothing about accepting genuine value pluralism rules it out—what is the nature of the Problem of Relativism?

We can distinguish between strong and weak versions of the Problem of Relativism. A weak version of the Problem of Relativism focuses on epistemic difficulties that accompany inter-societal criticism. Given the particularities of the social condition of the society in question, foreigners may face great, and perhaps insurmountable, epistemic barriers to assessing the appropriateness or justification of a given policy. Without the kind of intimate knowledge of a society's conditions that

comes with lived experience, we should, in general, be inclined to be deferential to the decisions that another society makes—at least as a *prima facie* stance. Just as in the public reason we have an obligation to treat our fellow citizens as *prima facie* good valuers—and thus, to treat their projects as *prima facie* genuinely valuable—we should treat the decisions of other societies as *prima facie* just or correct. When it comes to the exercise of public reason (that is, in intra-societal matters), the evidentiary bar is quite high for judging that one of our fellow citizens fails to value correctly—that is, that she is mistaken in her valuing what she values. In the case of inter-societal criticisms, the epistemic difficulties are even greater. While our fellow citizens are to be accorded significant deference in our evaluative judgments, we are part of a common background culture, which provides significant resources to appeal to in considering the putative values our fellow citizens engage with. In the case of inter-societal criticism, however, we may not have a shared background culture—we may be quite distant from the society in question, both spatiotemporally and culturally. We may not share a language, religious tradition, artistic sensibility, and the like; in short, we may lack the kinds of resources we can draw on in the case of intra-societal debates to ground our assessment of the correctness or appropriateness of a political decision, policy, or institution. The weak version of the Problem of Relativism thus contends that, if the epistemic barriers we face when considering the decisions, policies, or institutions of a spatiotemporally or culturally distant society are sufficiently high, we may lack sufficient grounds for offering or justifying meaningful inter-societal criticisms.

The weak version of the Problem of Relativism emphasizes the epistemic difficulties we face when engaging in inter-societal criticism. The strong version claims

that these epistemic barriers are, at least in some cases, insuperable. In particular, the epistemic barriers to inter-societal criticism will be insuperable in those cases in which we lack access to the positional considerations that would make a particular value relevant—that is, if we cannot understand why or when a value would govern a choice, we will be unable to assess the appropriateness of any choice made on the basis of that value. Whenever we face such a situation, the strong version of the Problem of Relativism applies, since we can thus be said to inhabit normatively insulated worlds—the values that appropriately govern choices for a sufficiently spatiotemporally or culturally distant society will simply fail to appropriately govern any choice we ourselves could face.[180,181] In terms of the theory of genuine value pluralism I have offered here, we inhabit these normatively insulated worlds just in those cases in which we cannot make sense of the relation between the positional considerations that would make a particular value or ranking of options salient. We lack access to the positional considerations—background culture, as well as the historical, social, and material conditions—to judge how they license the selection of one value over another as relevant for choice.

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[180] For example, in *The Metaphysics and Ethics of Relativism*, Carol Rovane has argued that the foundation of relativism is the existence of alternatives which fail to stand in any logical relation at all with each other. In these kinds of cases, we fail to disagree *or* agree with each other, since we find that, although the alternatives in question are not mutually reconcilable, neither are they straightforwardly contradictory. Such a situation, Rovane argues, is best described as Multimundalism—the existence and inhabitation of different normative worlds, each insulated (in some respects) from the others See: Carol Rovane, *The Metaphysics and Ethics of Relativism* (Cambridge, MA: Harvard University Press, 2013).

[181] Similarly, John MacFarlane claims that "what makes a view 'relativist' is its relativization of the notion of *accuracy* to contexts of assessments." The Problem of Relativism for genuine value pluralism thus obtains whenever a society is sufficiently spatiotemporally or culturally distant from ours that we fail to share the relevant standard of assessment. See: John MacFarlane, "Relativism and Disagreement," in *Philosophical Studies* 132:1 (Jan 2007), 27. MacFarlane is primarily concerned with the apparent relativism that obtains in cases of disagreement concerning matters of taste; the explicit extension of his view to general evaluative commitments is my own.

The strong version of the Problem of Relativism will be especially salient in situations in which our conceptions of ourselves as agents and persons are deeply embedded in our social circumstances. As Rovane argues, moral relativism of the kind I am describing is most plausible when "it is not only social conditions themselves that are the products of historical and cultural forces, along with the thick moral values that are required for navigating them, but also the very *identities* of their inhabitants."[182] This is not, first and foremost, a problem of being unable to grasp the content of another society's values. I can, perhaps with great effort or research, learn how the values held by another society rank options—that is, I can learn that in virtue of which one option is preferred to another in a different social context. This knowledge can be quite robust, not only permitting me to make sense of an individual or societal choice, but also grounding predictions about what will be preferred in the future, offering explanations of why one options is preferable to another, and the like. What I will lack in these circumstances is the kind of positional considerations that would make sense of taking these values as governing any of my *own* choices. As MacFarlane claims, in situations such as these, "we have all the normative trappings of real disagreement, but without the possibility of resolution except by a relevant change in one or both parties' context of assessment."[183] If there is no possibility of such a change, given the spatiotemporal or cultural distance between the society under consideration and our own, there will be no point or purpose in offering inter-societal criticism. I express an evaluative disagreement with you, MacFarlane argues, "not because I think that the proposition you asserted is false by you

[182] Rovane, *The Metaphysics and Ethics of Relativism*, 243. Emphasis in original.

[183] MacFarlane, "Relativism and Disagreement," 29.

in your current situation, with the affective attitudes you now have, but because I hope to change these attitudes."[184] If there is no hope of such a change in attitude on either of our parts—if the relevant positional considerations that would render such a change justified or correct are necessarily unavailable—there is no point to expressing disagreement at all.

Furthermore, since I will lack any positional considerations that speak in favor of acting on the values grounded in a distant social context, these values themselves will be normatively inert—I will never find myself in a position where I will take the rankings provided by these values as appropriately governing a decision. As Rovane writes, "the mere conceivability of such rankings cannot establish that logical relations run everywhere in the *moral* domain unless the rankings themselves are *morally* significant, and in order to be morally significant they must potentially be able to serve as guides in moral deliberation and action."[185] Thus, if genuine value pluralism is true, it lends support to the claim that the Problem of Relativism obtains between significantly distant social contexts. In turn, if relativism is true, then our grounds for inter-societal criticism is undermined—if the society in question is sufficiently different from our own, we will lack the required positional considerations to make sense of how the rankings provided by the other society's values can be practically (in Rovane's language, morally; in MacFarlane's terms, as part of an accuracy assessment) significant. If we cannot make sense of how the other society's values are practically significant, we will lack any grounds for inter-societal criticism.

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[184] MacFarlane, "Relativism and Disagreement," 30.
[185] Rovane, *The Metaphysics and Ethics of Relativism*, 243-244.

This does not, however, entail that we cannot grasp the content or meaning of the values of a normatively insulated society. As Rovane notes in discussing a putative case of normatively insulated lives, there is nothing stopping an inhabitant of one moral world from grasping the features in virtue of which a different way of life are worth living, from the standpoint of someone in a different moral world.[186] It might be true that, in some circumstances, I cannot grasp in virtue of what someone ranks their options—that is, that I cannot grasp what it is about the options in virtue of which she ranks them as she does. When this is so, I will fail to grasp the content of the value to which she is appealing in her deliberations. When facing such a situation, I have a range of strategies to turn to in attempting to make sense of her actions. Applying the principle of charity, I might seek to understand her ranking in terms of some value I myself endorse; I might attempt to put myself in her shoes, so to speak, and figure out why she ranks her options as she does; I might ask her for her reasons for ranking her options as she does; or I might engage in an anthropological and philosophical investigation into the values that she takes to guide her actions; and so on. If, however, I have exhausted my imaginative and cognitive resources in attempting to discover the content of her values, I must abandon my *prima facie* position that she is responding to a genuine value at all, just as I will do when engaging in intra-societal debate and inter-personal discussion. Genuine value pluralism directs us to treat our fellow persons as *prima facie* good valuers—it does not commit us to viewing any ranking of options as reflecting a genuine value.

[186] For example, in her example involving Anjali. Rovane, *The Metaphysics and Ethics of Relativism*, 41-45.

Section II.2: Answering the Problem of Relativism

How pluralists should respond to the Problem of Relativism depends, of course, on whether we are considering it in its strong or weak version. In particular, the two versions of the Problem of Relativism rely on different bases—the weak version is grounded in primarily epistemic considerations, while the strong version depends on a metaphysical claim about a plurality of normatively insulated worlds. The response a pluralist can offer in defense of inter-societal criticism will likewise have to answer the epistemic challenge of the weak version, and the metaphysical challenge of the strong version.

Let us begin with the weak version of the Problem of Relativism. The weak version depends on the claim that we might lack sufficient epistemic access to the positional considerations that make sense of why a particular value was chosen as being decisive to ground our inter-societal criticisms. The plausibility of the weak version thus depends on the plausibility of the epistemic constraints—that is, we will doubt our ability to justifiably engage in inter-societal criticism to the extent that we doubt our grasp of the positional considerations that ground the policy or choice in question. The extent to which inter-societal criticism is appropriate in any particular case is thus a matter of empirical investigation, both in the sense that it is an empirical question about our knowledge of another society and in the sense that further investigation of the society in question can alleviate the Problem of Relativism. On this construal, there is, in principle, no insurmountable problem of relativism for inter-societal criticism under conditions of genuine value pluralism. Both the values that the other society appeals to and the positional considerations that make a particular value decisive for a particular choice are,

in principle at least, assessable and intelligible from an independent or outside standpoint. Since we can grasp the ranking that the value provides and the considerations that make that value the relevant value, we retain a basis for justifiable inter-societal criticism.

The weak version of the Problem of Relativism does, however, recommend to us a stance of epistemic modesty when engaging in inter-societal criticism. Just as we owe it to our fellow citizens to treat them as *prima facie* good valuers when engaging in public reason, we owe it to foreign nations to treat them (and their representative institutions, policies, decisions, and so on) as *prima facie* justified in their decisions. Before engaging in inter-societal criticism, we are directed to do our best to understand the context in which the decisions in question are made, including the social, historical, and material conditions that ground the choice of the decisive value. Seen in this light, the epistemic modesty that genuine value pluralism entails is not a problem to be solved, but a positive feature of the view. After all, to ignore the background context in which decisions are made is to risk cultural imperialism, nationalistic blindness, and similar epistemic and moral faults. Far from posing a challenge to genuine value pluralism, the weak version of the Problem of Relativism highlights one of its major strengths.

The strong version of the Problem of Relativism poses a more difficult challenge. The strong version of the Problem of Relativism claims that the barriers to inter-societal criticism are not merely epistemic, but metaphysical. That is, if the strong version of the Problem of Relativism is true, we are normatively insulated (at least in some cases) from others, and this normative insularity undermines any hope of justified inter-societal criticism. A pluralist response to the strong version of the Problem of Relativism should begin by noting that the truth or falsity of any particular thesis about the normative

insularity—however this is understood, according to the various accounts of relativism—of our moral outlooks is independent of the kind of value pluralism at issue here. While relativism does presuppose the existence of plural values, it does so only in virtue of the existence of a plurality of normatively insulated moral worlds or contexts of assessment. Within each moral world or context of assessment, value monism may obtain. Conversely, we can endorse the truth of genuine value pluralism—and the existence of many distinct values—without taking these values to feature in normatively insulated moral words. Instead, we can hold that the values in question, while remaining distinct from one another, occupies the same moral world and, thus, aren't subject to the metaphysical limitations on inter-societal criticism. Nonetheless, the relation between values and the background conditions does provide some grounds for thinking that normative insularity might obtain, at least between culturally or spatiotemporally distant societies. How, then, should the pluralist respond to this possibility?

One response a pluralist can offer is to note that, even if relativism is true, it doesn't rule out any and all inter-societal criticism. Indeed, if relativism obtains, it obtains between societies that are radically divergent in their normative and moral worlds. In these cases, the pluralist could well allow that inter-societal criticism is inappropriate, while maintaining that in the greater bulk of cases, we do not face normative insularity and, thus, that pluralism is compatible across a wide range of cases with robust inter-societal criticism. Indeed, this is the response Rovane suggests in considering the possibility of, in her terms, moral Multimundalism. Adopting the 'Multimundal Stance,' as Rovane calls it, involves treating one's own normative world as insulated—"to view one's own inquires as taking place within boundaries, and to view

what lies outside of them as not a proper object for one's own inquiries, even though it may be a proper object for someone else's inquiries."[187] When we face someone who occupies a different moral world, we "refrain from embracing each other's moral beliefs, but also […] do not regard our encounter as an occasion for moral learning or teaching in either direction."[188] Further, we do not take our own moral world as providing any grounds for critical engagement with the moral world of the other party—we do not treat the fact that we appear to disagree about what is valuable as indicating that either party should revise or otherwise alter their moral beliefs.[189] In short, if relativism is true, and we are faced with a case of normatively insulated worlds, abandoning inter-societal criticism is the only appropriate response. On the other hand, even if relativism is true, it does not entail that every case of normative or moral difference is a case of normative insularity. In cases where normative insularity does not obtain, the pluralist can maintain her commitment to robust inter-societal criticism.

So what grounds does a pluralist have for robust inter-societal criticism? As we have seen, a pluralist has quite a few grounds to appeal to in offering inter-societal criticisms. Although pluralists are committed to viewing other persons as *prima facie* good valuers—and their projects, commitments, and so on—as *prima facie* genuinely valuable, this is a defeasible stance, and is subject to the full force of our evaluative reasoning. Likewise, the pluralist can offer a criticism grounded in mismatches between the positional considerations and the selection of a decisive value for a given choice. She can argue that, given the particular context of choice, a particular value was mistakenly or

[187] Rovane, *The Metaphysics and Ethics of Relativism,* 100.

[188] Rovane, *The Metaphysics and Ethics of Relativism*, 101.

[189] Rovane, *The Metaphysics and Ethics of Relativism*, 101.

wrongly selected as providing the decisive ranking of options. However, this presupposes that the aim of inter-societal criticism is to establish that another society has made a mistake, either in their ranking of options or in their selection of a decisive value, and we should not take this kind of all-or-nothing judgment to be the sole or even primary aim of inter-societal criticism. Inter-societal criticism can serve any number of purposes, of which this kind of condemnation is only a limited part. In particular, inter-societal criticism can serve to reveal what values or purposes have been left out of a given decision, and to make more apparent the respects in which a given policy or institution is insufficiently responsive to important values.

Inter-societal criticism can serve this function even while maintaining that a given choice was correctly made or justified, given the prevailing conditions. Indeed, pluralists are especially well positioned to offer this kind of inter-societal criticism, since recognizing, judging, and responding to trade-offs between values is a common feature of our evaluative lives under conditions of genuine value pluralism. That is, even recognizing or accepting that a decision, policy, or institution is justified by the prevailing values and positional considerations, pluralists are still in a position to judge that something of value has nonetheless been lost. Genuine value pluralism begins from the recognition that, as Isaiah Berlin puts it, "not all good things are compatible, much less all the ideals of mankind."[190] Since genuine value pluralism necessarily involves the recognition of multiple, sometimes mutually exclusive, values it provides especially good resources for inter-societal criticism aimed at recognizing what has been gained and lost by adopting any particular policy or making any particular decision.

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[190] Berlin, "Two Concepts of Liberty," in *Liberty*, 213.

So far, I have considered inter-societal criticism as a matter of judging either (a) that some mistake has been made in the ranking of options (by, for example, appealing to a ranking that does not reflect a genuine value), (b) that some mistake has been made in the selection of a decisive ranking (by, for example, failing to reason correctly on the basis of the relevant positional considerations), and (c) recognizing what values have failed to be realized in any particular decision or policy. There remains another form of inter-societal criticism that genuine value pluralism can support: the judgment that the prevailing background conditions, including the historical, social, and material circumstances, are themselves morally or politically problematic or troubling. As we have seen, genuine value pluralism is especially well suited to recognize when some value or other has been lost or has not been realized, and this feature makes it likewise especially well suited at recognizing when the background conditions are such that an important value is likely to be consistently disregarded. Inter-societal criticism under conditions of genuine value pluralism can take not only the form of criticizing the choice of a particular value as governing a decision, but can also provide a standpoint from which to evaluate the moral standing of the background conditions that render some values more salient or important than others. Thus, although genuine value pluralism does recommend epistemic and moral modesty in engaging in inter-societal criticism, it provides robust resources for understanding and engaging with the values, policies, institutions, and background conditions of other societies and modes of social organization.[191]

[191] Of course, some background conditions may be morally reprehensible but beyond any hope of alteration or reform—the ongoing harms due to atrocities, for example, may be so terrible that any palliative measures we attempt will fall far short of correcting for them. What can be done in such situations, beyond

Part III: The Conservative Problem for Value Pluralism

Section III.1: Background Conditions and the Conservative Problem

My final response to the Problem of Relativism stands in need of further clarification. If values are made salient or decisive for a given choice by the background positional considerations, how can these values provide grounds for critiquing or reasons for reforming these very conditions? After all, if a value is rendered irrelevant or unimportant by the prevailing background conditions, that value, *ipso facto*, will not be treated as decisive for a given instance of deliberation. Thus, it appears that if a particular value is rendered practically inert by the prevailing background conditions, it cannot provide us with reasons to alter these conditions so as to make it relevant or practically efficacious. This, in turn, entails that we must treat the prevailing background conditions as givens, which functions to limit the range of values that can be practically important or efficacious.

If the preceding argument succeeds, there is a deeper problem for value pluralism than the Problem of Relativism as applied to prevailing background considerations. After all, this argument will apply equally to the prevailing background conditions within one's own society. Value pluralism, it appears, commits us to a peculiar conservative vision of social organization—we are to treat the existing social conditions as given and outside the scope of evaluative criticism, since these conditions themselves determine which values will govern which choices. Let us call this the Conservative Problem for Value Pluralism. In this section, I will focus on two facets of the Conservative Problem—how

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recognizing the tragedy of the situation and attempting whatever rectificatory measures are available, will depend on the particular circumstances and harms in question.

to ground calls for incremental reform, and how to ground calls for radical social change. As was the case in the Problem of Relativism, the Conservative Problem has a weak and a strong version. The strong version of the Conservative Problem claims that value pluralism rules out the possibility of even moderate criticism or incremental reform of the background conditions of society. The weak version, by contrast, accepts that value pluralism leaves open the possibility of incremental change, but rules out the possibility—or justification of—radical social change and upheaval. If either version obtains, value pluralists will find themselves aligned with political conservatives, who seek to either stop, moderate, or slow the rate of social change and upheaval. While I do not aim here to take a side in the debate between conservative and progressive political factions, I will argue that value pluralism at least leaves open the possibility of both incremental reform and radical social change.

Let's begin by clarifying the Conservative Problem for genuine value pluralism. In both its strong and weak versions, the Conservative Problem arises from the relation between positional considerations and the selection of a decisive value. In particular, grounding the selection of a decisive value in the background conditions of a choice appears to locate those conditions themselves as outside the scope of practical or public reason, since they provide the very preconditions for particular acts of practical or public reason. Immunizing the background conditions from evaluative assessment, in turn, will render practical and public reason essentially conservative—only those values that are presently or traditionally salient for choice will be selected as decisive, and since we will lack grounds for deciding to alter the background conditions (to the extent that we are

able to do so), those values which are currently rendered irrelevant or practically inert will remain so.

The potentially conservative implications of value pluralism can be clarified by considering the following example. Let us assume that we are currently deliberating about whether to reform our tax code to bring about greater distributional equality. Further, let us assume that, up until now, the prevailing conditions have made it the case that the value of economic liberty has been decisive in governing choices that involve trade-offs between economic equality and liberty. This might be the case, for example, if our society has a long history of treating private property as sacrosanct, and if we recognize that citizens have both planned their lives around this presumption and that economic liberty is a widespread part of citizen's conceptions of themselves. Since the relevant features of the background conditions—our national and individual self-conceptions, for example—have selected economic liberty as the decisive value in the past, it appears that the reasons for favoring economic liberty over equality will have even greater force in the future. Each time economic liberty is taken as the decisive value, its relevance becomes more deeply ingrained in our institutions and national and individual self-conception. Thus, it appears, value pluralism's reliance on positional considerations to fix the decisive value entrenches some values at the expense of social change or reform.

The strong version of the Conservative Problem claims that the dependence of public deliberation on positional considerations—most importantly the background political culture—renders value pluralism unable to recommend or justify any alteration in those conditions and, thus, renders calls for social reform or change of any sort *ipso*

facto unjustified or irrational. The weak version of the Conservative Problem, on the other hand, claims that the role of positional considerations in public reason rules out only radical social change, admitting that it permits incremental change. Let us consider what resources value pluralism has to respond to each version of the problem.

Section III.2: Responding to the Conservative Problem

Let us begin by responding to the strong version of the Conservative Problem, leaving the issue of radical or extensive social change aside. What resources do genuine pluralists have to draw on in justifying or recommending incremental social change—that is, incremental changes to the background political culture and the historical, social, and material circumstances of society? One tempting response to the Conservative Problem is to admit that calls for social change or reform may be responses to changes in the background conditions that are themselves not results of public reason. In particular, the positional considerations that determine what value will be decisive for a choice may shift in response to changes in the technological development of a society, for example. When new possibilities are opened up by technological change, the kind of projects, commitments, and identities available will necessarily shift in response, and these new possibilities will function to make new or different values relevant for our social and political deliberations. The development of the internet, for example, rendered new kinds of valuable relationships possible—friendships and romantic relationships that did not require physical contact, nor indeed, ever meeting one's friend or partner. Given that the development of new kinds of communication possibilities make new kinds of valuable relationships possible, we can recognize a shift in our positional considerations that will

render new or different values as decisive for our political deliberations. For example, we might respond to the possibility of these new kinds of relationships by loosening marriage requirements, so that partners who live in different states will face fewer legal hurdles in seeking formal recognition of their relationships. Furthermore, we might take the possibility of such relationships as generating public reasons in favor of subsidizing access to these new kinds of relationships through subsidizing access to broadband internet access. Even if we do not take these new public reasons as decisive for any given choice, we can see how shifts in the background conditions, which are themselves not the result of public deliberations and choice, can pave the way for shifts in the content of public reason.

While the response offered above is surely true, however, it is insufficient. Even archetypically conservative thinkers such as Edmund Burke admit the possibility, and indeed, desirability, of social change in the manner the above response recommends. Burke's conservatism did not view all social change as undesirable or unjustified—on the contrary, Burke saw slow, moderate, and organic social change as necessary.[192] If pluralists are to avoid the implication that pluralism entails a conservative view of politics, we must find a justification for social change that does not merely respond to changes in the background conditions that are, themselves, not the result of public reason or political decision. In particular, to respond to the Conservative Problem, pluralists will have to provide an account of how we can justify reforms to the background conditions

[192] In his criticism of the French Revolution, Burke admonishes the French to learn from the example of other nations who "have begun the fabric of a new government, or the reformation of an old, by establishing organically, or by enforcing with greater exactness some rites or other of religion. All other people have laid the foundation of civil freedom in severer manners, and a system of a more austere and masculine morality." Burke, Edmund, *Reflections on the Revolution in France* (New York, NY: Oxford University Press, 1993), 37-38.

from within the sphere of public reason itself. Public reason must be proactive in calling for reform and change, not (merely) reactive to changes that occur outside its appropriate area of application.

To respond to the Conservative Problem, we will have to say more about the relation between positional considerations and values, particularly in the context of public reason and political decisions. The account of practical reason outlined in Chapter Two and the extension of this account to public reason in Chapter Three emphasized the role that positional considerations play in helping us choose between incommensurably valuable options by selecting a particular value as decisive for a particular choice. Because my primary concern in those chapters was to deal with the problems posed by the plurality and incommensurability of values, I treated the background considerations as given by the background circumstances and the historical, social, and material circumstances of the individual (in the case of practical reason) or the society (in the case of public reason). However, the personal and political facts that make up the set of positional considerations we appeal to in practical and public reason can themselves feature as the objects of deliberation, both practical and public. A fact that, in one context, features as a positional consideration fixing a particular value as decisive can, in other contexts, feature as an option to be ranked according to one or more of my values.

Let us consider an example of this in the context of practical deliberation. The fact that I have committed to a career in, say, the visual arts can function as a positional consideration that makes certain values—say, the value of developing my technical skills or artistic merit—decisive for a certain choice. If I am deciding on whether to stay in the studio late working on my technique, or to go to the movies with my friends, leaving

some recognizably sloppy brush-work, the fact that I have committed to engaging in painting as a long-term project can make the value of technical skill decisive for my choice, over the value of entertainment and friendship. In other contexts, however, my commitment to the visual arts can, itself, be an object of deliberation and decision. If, for example, I'm offered a job outside the art world, working in (for example) copy-editing, the same fact (my commitment to engage in art as a long term project) would itself be an option to be ranked according to the values I endorse. In this context, I cannot merely cite my commitment to art as determining that developing my technical skills will be the decisive value governing my choice. Thus, we cannot treat the positional considerations as fixed in determining what values will be decisive for what choices, since these considerations themselves can feature as objects of deliberation and decision.

Likewise, in the case of public reason, the very conditions that in one context make one value decisive for a given choice can themselves feature as objects of public reason and political deliberation. Let us return to our earlier example, of choosing between economic liberty and distributional equality as decisive values. As the example was phrased, we took for granted the national identity that made economic liberty the decisive value for public reason. However, the economic structure and political institutions of a society can have a profound influence on the positional considerations that made economic liberty decisive—and the economic structure and political institutions of society are, themselves, subject to public deliberation. If we face a choice not between distributive equality or economic freedom, but between two different education policies, for example, which will (in time) determine our national identity, we

cannot appeal to this identity itself in determining which value our educational policy will reflect.

As in the previous example, when we deliberate about how to structure our economic and political institutions, we cannot treat these institutions themselves as providing positional considerations that determine that the values they embody will be taken as decisive. Furthermore, given the diversity of values and projects available to public reason under conditions of genuine value pluralism, we should expect that a wide range of values will be decisive. Accepting genuine value pluralism radically expands the sphere of public reason, since citizens can appeal to the full range of genuine values in their public deliberations. Likewise, citizens can appeal to a wide range of positional considerations in determining which of these values will be decisive for any given choice.

In the above examples, however, the possibility of reform and social change depends on the existence of yet further background conditions and values that make change possible. That is, if we choose an educational policy that will, in turn, result in a national identity that favors distributional equality over economic freedom, we can do so only on the basis of some other positional considerations drawn from the general background culture. Social change and reform, then, will be necessarily grounded in our existing political culture and traditions. This is not, however, equivalent to a commitment to the kind of conservatism that Burke endorses, since the source of social change and reform will include explicit acts of public reason and political decision. Furthermore, in the case of everyday political decisions, including decisions to reform the background political conditions, we should expect to appeal to other features of our background political culture in settling on what value we want a particular institution or

decision to instantiate. Just as an individual who failed to respond appropriately to her positional considerations lacks integrity or cohesiveness in her acts of practical reason, a society that fails to ground its selection of a governing value in its background political culture and its social, historical, and material circumstances will fail to offer good reasons in favor of its decisions. If, as I have argued, these considerations must play an important role in both practical and public reason, we cannot, and should not, seek to eliminate them from our deliberations.

The above argument suffices to establish that the strong version of the Conservative Problem does not obtain. Indeed, as was the case with the Problem of Relativism, pluralism's response to the strong version of the Conservative Problem highlights its strengths, as it provides an account of public reason that both makes room for moderate and incremental social change while grounding calls for change in the larger background circumstances that the society in question faces. This argument does not, however, suffice to refute the weak version of the Conservative Problem, for it does not, yet, provide an account of how calls for radical social reforms could be justified by reference to the society's background conditions. Of course, we may recognize that calls for radical social change can, and should, be subject to higher justificatory burdens than calls for moderate or incremental reforms. Nonetheless, there are clearly times and circumstances in which radical and rapid social change is both justified and appropriate. If genuine value pluralism rules this out entirely—as opposed to raising the justificatory burden for such changes—it will be a serious challenge to its viability as a foundation for liberal political theory.

What grounds, then, can value pluralists appeal to in justifying calls for radical social change and reform? As was the case for the strong version of the Conservative Problem, it's possible that radical shifts in the background conditions—such as technological shifts like industrialization—can justify radical and widespread social change. For example, suppose that tomorrow a new technology is developed that eliminates resource constraints, catapulting us into a post-scarcity society. If this occurred, radical changes to our social structure would be appropriate, as previously decisive values (such as economic efficiency) would no longer be justified in light of the prevailing material circumstances. While such radical shifts in our social, historical, and material circumstances do, of course, occur and, in turn, justify rapid and radical social change, they are not enough to respond adequately to the weak version of the Problem of Conservatism. To respond adequately requires pluralists to provide an account of how such radical and rapid social change can be justified from within the standpoint of public reason—that is, how such changes could result from the normal operation of the political process itself, not simply or solely in response to other radical or rapid shifts in the background social circumstances.

Let us consider an example of the kind of radical social change the weak version of the Conservative Problem appears to rule out. Consider the case of the American Civil Rights movement of the 1960s. The Civil Rights movement sought radical and rapid social change—to end the regime of white supremacy that governed social and legal institutions throughout the Southern United States. The justification for the proposed changes was not grounded in some particular shift in the background social conditions—although, of course, there were social, historical, and material circumstances that an

account of the movement would appeal to in explaining why the movement happened when it did. Rather, the justification for the demands for Civil Rights was framed in terms of values—especially the values of justice and equality.[193] The weak version of the Conservative Problem claims that such appeals cannot serve to justify the kind of radical social reorganization that the Civil Rights movement sought. If, as is obvious, the Civil Rights movement was justified in its goals, then, pluralists must find some way to account for this.

The example provided gives us an initial response to the weak version of the Problem of Relativism. After all, the institution in question—legalized white supremacy—does not instantiate or reflect a genuine value at all. That is, while it is certainly true that (some) white Southerners took themselves to be ranking options in accordance with a particular value (namely, white supremacy), there is no such genuine value. In so far as the institution in question did not reflect a genuine value, it lacked an appropriate justification, no matter what social, historical, and material circumstances obtained at the time. If some particular institution is not valuable, it must be reformed or eliminated, even if doing so requires widespread and radical social change. Indeed, the more deeply entrenched and widely influential an institution or policy is, the more radical any change will be; if the institution in question is disvaluable, then radical change is *ipso facto* justified. Furthermore, cases in which some institution or policy reflects no genuine value are precisely those cases in which calls for radical change are most justified—cases of widespread or pervasive injustice, for example, are often grounded in appeals to putative, but not genuine, values, such as racial purity, male superiority, and the like.

[193] The preeminent example is, of course, Dr. Martin Luther King's "Letter From a Birmingham Jail," in *Why Can't We Wait* (Boston, MA: Beacon Press, 1963), 85-110.

The above consideration establishes that genuine value pluralists can account for at least some calls for radical social change, at least in those cases in which some policy or institution is justified by appeal to a merely putative value. Since there are at least some cases in which a pluralist can endorse or justify radical social change, the weak version of the Conservative Problem fails. However, we might find this initial response unsatisfactory. After all, there may be cases in which, although a particular policy or institution is justified by reference to a merely putative value, there might yet be some further value in virtue of which the policy or institution is ranked first. If this is so, the pluralist will still need to show why a call for radical change is warranted, given the prevailing background conditions. Since radical social change involves a change in these conditions themselves, pluralists still need to show how such a change can be justified without reference to them. If the prevailing conditions are such that there is some value that justifies a particular policy or institution, it still appears that radical social change will, in general, be inappropriate.

Here's another way to understand the preceding objection. If justifying radical social change depends on the institution in question not instantiating a genuine value, this requires that, for every genuine value, some other option or institution is preferred. This is an extremely strong requirement, since under conditions of genuine value pluralism, we should expect a proliferation of values and a concurrent proliferation of rankings that these values generate. Given the variety and diversity of values that pluralists endorse, we should suspect that at least one of them will rank some particular institution or policy first, and thus, be a candidate for offering an appropriate justification to rule out the possibility of radical social change or reform. Under conditions of genuine value

pluralism, then, the requirement that radical social change be justified only in cases involving merely putative values or strictly better alternatives is an implausibly strong requirement.

Pluralists can offer two further defenses of radical social change to this objection. First, even if there is some value that ranks the institution or policy in question highest, that does not mean that this value will be or should be decisive for a given choice. That is, if a policy or institution is justified by reference to a merely putative value, it is not justified simply because also ranked highest by some genuine value—the genuine value that ranks it highest must itself be the decisive value according to the prevailing background conditions. If this isn't so—if another value is rendered decisive for a given choice—the fact that some other value ranks the institution highest is irrelevant. If the decisive genuine value ranks the institution or policy below some other option, reform will be justified even if such reform requires radical or widespread change.

Furthermore, pluralism's commitment to incommensurability between values does not entail that all values have an equal claim to being decisive for any given choice. Nor does it entail that a value's being decisive depends entirely on the relevant positional considerations. The first claim—that values have an equal claim or chance to be decisive—would itself involve a kind of commensurability, since equality is precisely the kind of relation between values that genuine value pluralism denies. Pluralism denies there is some further value in virtue of which we can combine the rankings of independent values. Likewise, pluralism denies that values themselves are rankable in terms of some further value, such as abstract goodness or utility. It does not, however, deny that some values are to be decisive in a wider range of cases, or that some values

can make a greater claim on our attention and respect than others. To be a pluralist, after all, does not require us to think that gustatory and moral values are on a par. Of course, pluralism does deny that there is something called "value" in light of which we can combine or compare the relative merit of gustatory and moral values. To deny this, however, does not require us to deny that there is no reason why moral values should not be decisive over gustatory values when both are relevant to a given choice. Values, and the rankings they provide, can be more or less important—more or less capable of demanding our attention and respect—without there being some common currency value in light of which they can be compared and ranked. Indeed, moral values are quintessentially the kinds of values that, as Isaiah Berlin puts it, make ultimate claims upon us.[194] To be a pluralist is to recognize that there can be—and are—multiple values that can make these kind of claims on our attention and respect. It is not, however, to accept that any value whatsoever can make an ultimate claim on our attention and respect. We can both recognize and affirm a plurality of values without thereby treating every value as equally important or pressing.

Given the central role of moral values in practical and public reason, then, the pluralist can affirm the possibility and justifiability of radical social change by reference to these values. Even if some policy or institution is ranked first according to one value—for example, the value of social stability, or adherence to tradition—this does not mean that we must treat that value as decisive. If the realization of our most important political values—justice, equality, liberty, and the like—would require some radical

[194] Berlin, "Two Concepts of Liberty," in *Liberty*, 212.

change or reform, pluralists can affirm this judgment in light of the claims that these values press upon us.

Part IV: Returning to Pluralism and Anti-Utopianism

While key moral values can function as trumps in this way, pluralists must face the possibility that some choices will be between options that represent incompatible moral demands. The possibility of tragic choices and moral dilemmas—both in practical and public reason—is an ineliminable feature of genuine value pluralism. Like the Problem of Relativism and the Conservative Problem, the possibility of deep value conflicts is a consequence of pluralism's anti-utopian commitment. Pluralism, recall, is anti-utopian in so far as it denies the possibility of specifying an ideal mode of social organization. No single life or society can perfectly instantiate or exhibit every value, and we will face trade-offs between values that are not resolvable without serious, and perhaps tragic, loss. The possibility of such choices can only be ruled out if we accept that there is, at least in principle, some way of reconciling the rankings that all of our disparate values provide, such that some final, overall ranking of options can be produced. Genuine value pluralism commits us to abandoning any hope of achieving this final ranking. Whichever option we choose will, at least sometimes, be better with respect to some value and worse with respect to another, and we must face the fact that, sometimes, crucial values will fail to be realized by our choices.

The anti-utopian commitments of value pluralism should not be regretted or bemoaned. On the contrary, without a firm commitment to anti-utopianism, we must view political theory as, at best, a necessary evil. Politics, after all, is the business of

navigating conflict and disagreement. If the utopian vision is true, and there is (in principle) some final, overall ranking of options or ideal social mode, any disagreement must (in principle) reflect a failure on the part of one or more of the members of the polity. To embrace the utopian hope, then, is to embrace the hope that politics—and thus, political theory—will, at some point become obsolete. Even if we acknowledge that the disagreements we face in political deliberation are ineliminable, as Rawls does when confronting the fact of reasonable pluralism, we will still view these persistent disagreements as obstacles to our ultimate goal. On the other hand, by treating these disagreements as reflective of the fact that different persons value different things, and do so on the grounds that there are many genuinely valuable pursuits, we will not view politics and political theory as necessary evils to be eliminated or regretted. We will, instead, recognize that they are essential tools for navigating and realizing values together. Indeed, we can recognize that social organization and cooperation are preconditions for the realization of the plurality of values that are available to us—that we can realize many more values together than we could alone.

Pluralism's response to the possibility of tragic choices, like its response to the Problem of Relativism and the Conservative problem, reveals its deep connections to quintessential liberal values—liberty, equality, fairness, and so on. Instead of undermining a commitment to genuine value pluralism, these challenges serve to highlight the merits of a pluralist approach to liberal political theory. Pluralism's response to the Problem of Relativism maintains the possibility of robust inter-societal criticism while cautioning against taking values as governing choices to which they do not apply. Without giving up on the possibility of assessing the justice or moral standing

of other modes of social organization, pluralism demands that we imaginatively engage with the circumstances that gave rise to those modes of social organization. Pluralism can both engage in inter-societal criticism and refrain from committing itself to comparative judgments of entire modes of social organization. We need not condemn another society as inferior in light of their differences, since as pluralists, we can accept that the realization of a different set of values need not, and indeed often cannot, involve an all things considered judgment of better or worse. According to the pluralist, after all, there is no overarching value in light of which such a judgment can be made. Likewise, when responding to the Problem of Conservatism, pluralism offers justification for both incremental and radical social change, without requiring an idealized society against which to judge our current state. We can both judge the comparative merits of two possible policies in light of a particular value and judge the appropriateness of a particular value being decisive for a given choice without thereby denying the genuineness of the non-decisive value. Furthermore, as we saw in Chapters Two and Three, pluralism's conception of practical and public reason builds in responsiveness to our particular social, historical, and material circumstances. That some policy or institution has, in the past, been unjust or unfair is itself a consideration in favor of attempts at restitution or rectification. Giving up on the utopian dream of a complete, unified ranking of options explains the persistent and crucial appeal of key liberal values. To be a pluralist is, then, to recognize the appeal of liberalism and liberal political theory, and to maintain a deeper connection with liberalism and liberal values than non-pluralists can achieve.

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