

UNIVERSITÀ DEGLI STUDI DI MILANO
GRADUATE SCHOOL IN SOCIAL AND POLITICAL STUDIES
Dipartimento di Studi Sociali e Politici
Doctoral Program in Political Studies, XXV cycle

Political Justification and the Normative Fact of Disagreement

SPS/01 – Political Philosophy

Doctoral Research Dissertation

by

Giulia Bistagnino

Supervisor and Director of Doctoral Program:

Prof. Antonella Besussi

Committee Members:

Prof. Maurizio Ferrera (University of Milan)

Prof. David Enoch (Hebrew University of Jerusalem)

Prof. Emanuela Ceva (University of Pavia)

Academic Year 2012/2013

TABLE OF CONTENTS

| | |
|--------------------------------------------------------------------------------------------------|----|
| Acknowledgments | 4 |
| Introduction | 6 |
| 1 The independence of public justification: Rawls and the avoidance of disagreement | 16 |
| 1.0 Introduction | 16 |
| 1.1 The independence of moral theory..... | 18 |
| 1.2 A Problem to Solve | 25 |
| 1.3 Political Constructivism | 31 |
| 1.4 Public Reason | 38 |
| 1.5 Conclusions | 48 |
| 2 Many reasons, one agreement: Gaus and the task of harmonization | 51 |
| 2.0 Introduction | 51 |
| 2.1 Justificatory Liberalism vs. Political Liberalism..... | 53 |
| 2.2 From the reasons one has to public justification | 58 |
| 2.3 The difficulty of Convergence..... | 64 |
| 2.4 What is social morality and can Gaus have it all?..... | 71 |
| 2.5 The Task of Political Philosophy | 76 |
| 2.6 Conclusions | 79 |
| 3 A question of method: should political philosophy be done without metaethics? . | 81 |
| 3.0 Introduction | 81 |
| 3.1 What is Metaethics?..... | 84 |
| 3.2 Local quietism | 86 |
| 3.3 Global Quietism..... | 94 |

| | |
|---------------------------------------------------------------------------|-----|
| 3.4 Evaluative Philosophy vs. Therapeutic Philosophy..... | 105 |
| 3.5 Conclusions | 107 |
| 4 The moral experience of disagreement: metaethical understandings | |
| in competition | 108 |
| 4.0 Introduction | 108 |
| 4.1 Phenomenology of disagreement | 110 |
| 4.2 The Non-Cognitivist Strategy to disagreement and its limits | 113 |
| 4.3 Cognitivism, first attempt: Humean Constructivism | 120 |
| 4.4 Cognitivism, second attempt: Kantian Constructivism..... | 130 |
| 4.5 Cognitivism, third attempt: moral realism | 143 |
| 4.6 Conclusions | 161 |
| 5 How to respond to disagreement? | 163 |
| 5.0 Introduction | 163 |
| 5.1 Justification from the first-person standpoint | 166 |
| 5.2 A practical reason to refrain from disagreement? | 172 |
| 5.3 Normative disagreements among peers | 179 |
| 5.4 An epistemic reason to refrain from disagreement? | 186 |
| 5.5 Conclusions | 197 |
| 6 Principles of deliberation: respect and sincerity revised | 200 |
| 6.0 Introduction | 200 |
| 6.1 Does respect trigger public justification? | 202 |
| 6.2 Respect without public justification | 207 |
| 6.3 Principles of sincerity | 215 |
| 6.4 What's sincerity got to do with it? | 224 |
| 6.5 The principle of reliability in deliberation | 229 |
| 6.6 Conclusions | 235 |
| References | 238 |

Acknowledgments

The ideas developed in this dissertation were presented at some seminars and conferences, where I received helpful comments and feedbacks, in particular at the "SIFA Conference 2012" in Alghero, at "Unpacking Rawls" in Turin, at the "Nuffield Political Theory Seminar" in Oxford, at "Seminario Ragioni Pubbliche e Spazio Pubblico" in Vercelli. I am grateful to the convenors of those events and to the many people who provided me with intellectual stimuli and personal support by reading, commenting, or simply discussing my work. In particular, I thank Catherine Audard, Elvio Baccharini, Enrico Biale, Emanuela Ceva, Maurizio Ferrera, Elisabetta Galeotti, Alon Harel, Silvia Jonas, Federica Liveriero, Michele Loi, Paolo Martelli, Roberto Mordacci, Gianfranco Pellegrino, Nicola Riva, Roberta Sala, Ingrid Salvatore, Chiara Testino, Jeremy Waldron, Francesco Zucchini, Federico Zuolo, and the participants of the reading group in political philosophy of the University of Milan.

During my Phd, I was junior visiting scholar at the Nuffield College of the University of Oxford, where David Miller acted as my supervisor, and at the Hebrew University of Jerusalem, under the guide of David Enoch. I benefitted enormously from both experiences and I need to pay a special thanks to David (Enoch), whose great generosity and demanding philosophical engagement affected me profoundly.

A special thank goes also to Francesca Pasquali, who helped me enormously in the development of my ideas by challenging my positions when I felt too confident, and encouraging me when I felt my work was completely faulty. Above all, I thank her for our friendship, which had a fundamental impact also on my work.

The largest thanks of all needs to go to Antonella Besussi, who first recognized my passion for political philosophy and still believes in it. I am grateful to her for our discussions, which deeply motivated and inspired me, and for teaching me not to be scared to think out of the box and to foster a taste for philosophical variance. I especially thank her for always bringing me back to earth, from which the political philosopher cannot escape, every time I was happily lost in the clouds.

Finally, I thank Luigi Rocca for his loving support and strenuous belief in me. Most things I know about disagreement in practice I owe to him and thus I profoundly thank him for disagreeing with me a lot and never fighting me.

I dedicate this dissertation to my parents, who taught me that life is always more amusing and surprising than one may imagine and support me and my work in every possible way.

I would like to acknowledge the Centro di Ricerca e Documentazione Luigi Einaudi of Turin, which financially supported the part of my research on liberalism and sincerity.

A priest and a vicar discuss the philosophical question: "When does life begin?"
The priest says: "The moment of conception".
The vicar replies: "The moment of birth".
So, they turn to a rabbi to settle their disagreement. The rabbi proclaims: "Life begins the moment the kids are married and the mortgage has been paid off."
[Jewish Joke]

Introduction

This dissertation is about disagreement. In particular, it focuses on the problem of how disagreement is to be dealt within the context of liberal democratic societies. The perspective from which this issue is tackled is that of normative political philosophy and it regards both how disagreement should be conceptualized in such context, but also how citizens should behave in the discussion of norms and policies upon which they deeply disagree.

To appreciate the relevance of this problem for contemporary democratic societies, it suffices to recall the kind of questions that are a matter of struggle: is abortion morally permissible? Are homosexual relations morally wrong? Is economic equality more valuable than political liberty? Is suicide in the face of terminal and painful illness right? Is it wrong to kill animals for alimentary purposes, clothing, or scientific research? Is individual freedom more important than the common good? Are men and women morally equal? How should future generation be taken into account in matters of justice? Is death penalty wrong? To what extent is it morally wrong not to pursue a sustainable environment? Are affirmative actions right? What about human cloning? Is pornography morally permissible? Is social security more relevant than private liberty? Are there any intellectual property rights? Should prostitution be legalized? Citizens of contemporary democracies are not new to this kind of questions. They represent an important and great portion of political debates and may sometimes constitute inception for collisions and violent episodes. For example, in May 2013, over one hundred fifty thousand protesters gathered in Paris at a mass street demonstration against same-sex marriage, after its legalization in France. In those circumstances, a group of around a hundred hardliners, wielding sticks and bottles, clashed with riot-police and caused many damages. Although it is undeniable that individuals feel strongly about matters of this sort and that they care deeply about the political

decisions that are taken within their societies about them, it seems obvious to say that episodes like the riots in Paris are regrettable and objectionable. However, even if violence is easy to deprecate, it is not clear what is the correct behaviour that a citizen of a democratic society should hold in facing disagreement with her fellows about similar matters. This is precisely the question I aim to answer in this work.

It is important to understand that the problem of disagreement within the political domain is relevant not only with regards to the reality of current debates in democratic societies. On the contrary, it represents one of the most long-standing issues in political philosophy. Indeed, since it has its roots in those social contract theories defended by Hobbes, Locke, Rousseau, and Kant, the problem of disagreement among citizens who are to live together in the same society cannot be considered new. However, starting with the publication of John Rawls's *Political Liberalism*, this issue has gained new and tremendous interest in contemporary debates of normative political philosophy. In particular, among liberal political theorists, the mainstream position has at its core the concept of public justification, namely the idea that political authority can be considered legitimate only insofar as the reasons given for political action can be *reasonably* accepted by those subjected to it. In this sense, *justificatory liberalism*, as it is sometimes called (Eberle 2002), constitutes a particular position characterized by its being committed not only to traditional liberal concerns, such as the protection of certain freedoms and rights, but also to the idea that respect among citizens requires them to pursue public justification in supporting their preferred laws and policies. The underlying idea of justificatory liberals is that respect triggers a duty requiring citizens to support only those laws for which they have public justification. Citizens ought to discipline themselves in public discourse in order to refrain from supporting any law or policy for which they cannot provide the appropriate rationale. In turn, according to justificatory liberalism, being a responsible, good citizen means to abide by the requirement of respect and, thus, to provide only public justifications for one's preferred laws and policies.

Justificatory liberalism is, without a doubt, the dominating paradigm among political philosophers concerned with the problem of disagreement and the justification of political authority. In this work, I do not seek to provide yet another

refinement of this position, as I understand there are plenty of those. Rather, I seek to critically evaluate it and to highlight some tensions within its theoretical project, which I find unsatisfying in its lack of attention with respect to the phenomenon of disagreement. I strenuously believe that in order to address the questions of how disagreement should be treated within the political context of a democratic society, a deep inquiry into the nature of disagreement itself is necessary. Only when it is clear what a disagreement is, it is possible to find means to deal with it. I should clarify from the beginning that I do not intend to provide answers to particular disputes, or to settle the disagreements I mentioned before by favouring some positions over others. Rather, my intent is to provide theoretical tools to comprehend and treat those very disputes in the political context.

Before explaining in more details what the project of this work actually consists in, I shall put forwards few caveats. First, the disagreements I care to explore in the context of this work are those I call normatively relevant, or more simply normative in kind. Such disagreements are about what ought to be done and what decisions should be taken collectively in the context of a political society. However, it is important for me to explicit that, although I label them simply as normative, the disagreements I talk about in this work regard primarily matters of ethics. It might be the case that there is disagreement over, for example, whether a particular bridge should be built on a particular road. People may indeed disagree about how it should be built, the aesthetic criteria it should be constructed in accordance with, and many other sorts of things. But here there is no trace of this kind of disagreements. Following the literature, I focus on disagreements about ethical issues. Moreover, it is important to clarify that disagreements about ethical matters cannot be reduced to religious disagreements. Sometimes it seems that the debate in political philosophy about disagreement regards merely the problem of religious convictions in public discourse. Because of the prominence of the abortion controversy, both in theory and in practice, it is sometimes assumed that disagreements amount to disputes among religious and non-religious citizens. I do not mean to deny that religiously committed citizens do disagree with their fellow citizens about many sorts of ethical issues. Nor it is my intention to doubt the fact that the wars of religion represented a bolster for political

thinkers engaging with the issue of how to accommodate diverging ideas and opinions. But disagreements about ethics go far beyond religion.

A second preliminary caveat has to do with the way I use the word “normative”. As stated above, I roughly understand this term to capture all those issues that fall on the ought side of the ought/is distinction. Although the distinction is sometimes controversial and its boundaries are not always clear, it provides an easy way to understand what I take to be normatively relevant. From my point of view, for example, the issues of how one should treat her friends and what one should think about the geocentric model are both normative in kind. Therefore, since I have declared a special interest on disagreements about ethical matters, I need to explain why I qualify such disagreements simply as normative without any further specification. The reason for this move has to do with the need to mark my distance from justificatory theories of liberalism, which heavily rely on the distinction between the right and the good, to put it with Rawls. One of the main ideas of justificatory liberals is that even though moral disagreements may be unresolvable, pervasive and intractable because they regard the good life, it is possible for individuals to find agreements on another level, namely that of political principles and practices. In this sense, such theorists distinguish between, on one hand, those considerations regarding what individuals should do in deciding what is good in general, and, on the other, those considerations regarding what individuals should do in their public lives, as members of political societies. From my point of view, this characterization of disagreement among citizens is misleading because moral and political convictions are strictly interconnected. Supporting a particular law or policy, which amounts to committing oneself also to a certain political position, is usually (or maybe hopefully) grounded in one’s moral convictions. Therefore, to close the door on individuals’ moral beliefs in order to focus on political reconciliations only is to misunderstand the way citizens participate in public discourse and care about their convictions. In order to avoid such a misunderstanding and to preserve the complicated nature of moral disagreements in the political context, I label them simply as normative. Although using such a general term may at first seem confusing, with the two forewarnings and explanations I just gave about the focus of my interest, I hope it will not constitute a problem.

A final preliminary remark has to do with my understanding of disagreement as distinguished from other forms of divergences that are relevant to politics, such as those of conflict and dissent. To put it roughly, I consider that of dissent a kind of protest against political institutions, which may take the forms, for example, of civil disobedience, marches or picketing. With the word conflict, on the other hand, I understand a situation in which there is a harsh and violent clash of divergent opinions. In contrast, disagreement represents a peculiar situation in which two individuals holding different convictions and providing conflicting arguments, attempt to arrive at a correct answer to a problem they find relevant. From my point of view, dissent and conflict do not constitute a major problem for contemporary democracies because the former may sometimes be a necessary tool to boost a society's democratic spirit and practice, and the latter is simply the natural consequence of life under a non-oppressive government. On the contrary, that of disagreement is an explosive and unavoidable problem of democratic societies in which there is a need to decide what laws and policies to implement. To understand this point, consider the fact that it is possible both to have disagreement without conflict (there is no reason for the disagreeing parties to engage in a fight) and disagreement without dissent (individuals may disagree over a certain matter even if they do not protest and engage in demonstration to defend their positions).

The hypothesis from which this work begins is the idea that the dominant, mainstream theories of justificatory liberalism are unsatisfying and should be rejected because of their detrimental treatment of disagreement. In particular, I argue that their method in tackling the issue of how individuals holding different views and beliefs can live together in a stable and harmonious society is unpersuasive. Seeking a *practical* solution and rejecting a philosophical approach to the problem, justificatory liberals simply miss the point about disagreement. As I argue, in treating it merely as a problem to solve, a concern to be expelled in order to achieve social harmony, they end up throwing the baby out with the bathwater.

From this hypothesis, I draw the thesis that in order to treat disagreements in democratic societies, it is necessary to understand what a disagreement

fundamentally consists in. Only with a convincing account of the phenomenon of disagreement, it is possible to identify its normative implications.

To achieve these results, I propose a methodological approach defending metaethics as a workable tool apt to explain and account for certain normative phenomena. Indeed, disagreement about ethics has always been a traditional theme in metaethical inquiries and, thus, they represent a noticeable starting point. So, methodologically, this work takes a stance which contrasts with the mainstream position in political philosophy. It holds that metaethical understanding can benefit normative political philosophy by enabling theorists to engage with normative matters in an appropriate and complete fashion. This methodological approach, friendly towards metaethical inquiry, is particularly innovative and it constitutes one of the points of strengths and originality of my project. Indeed, since Rawls's *political* turn, mainstream political philosophy is highly sympathetic to the ideas that normative theories are independent from any metaethical claim and that metaethics is counterproductive to the scopes of normative political philosophy.

This work can be divided into three main parts. Chapters 1-3 are methodological and are concerned with metaphilosophical questions about how the problem of disagreement should be tackled from the perspective of political philosophy. In the first two chapters, which constitute the *pars destruens* of my project, I critically evaluate the two most prominent accounts of justificatory liberalism and reject them. In chapter three, on the other hand, I present and defend my methodological approach by showing the importance of metaethical understanding for normative political philosophy. Chapter 4, which is the longest, is devoted to clarify what a disagreement actually is and explain its nature. Chapters 5-6 are the normative ones and focus on how citizens should respond to disagreement in the context of democratic societies and what principles of deliberation they should abide to.

Chapter 1 is concerned with John Rawls's account of political liberalism. I analyse the practical turn taken by Rawls after the publication of *A Theory of Justice* and argue against his method of avoidance in normative political philosophy. Rawls's problem is that of liberal democratic societies' stability. To solve it, he proposes a conception of justice that is *political*, in the sense of neutral with respect to metaphysical,

philosophical and moral doctrines. To sustain such political conception he makes three moves: first, theories should not be concerned with long-standing and ever-ending philosophical questions that are counterproductive to the realization of valuable ends. Second, conceptions of justice need to be *freestanding*, based on shared political ideas and values already present in a liberal democratic society, which everyone can agree upon. Third, citizens should bracket their personal convictions and support only those political principles that enjoy public justification. These three moves are supposed to provide a realistic basis for an agreement apt to ensure a morally qualified social stability. I argue that Rawls's strategy is unsatisfactory because not only it lacks internal coherence by its incapacity to claim its own rightness, but also relies on an unstable distinction between the moral and the political, in force of which political principles end up being only contingent and historically produced. Finally, I argue that the requirement of restraining one's reasons in supporting a principle to those apt for public justification runs the risk of treating citizens unfairly.

Chapter 2 is devoted to Gerald Gaus's convergence account of justificatory liberalism. Gaus seeks to secure what he calls *social morality*, namely a set of rules apt to organize how individuals can make moral demands over each other. Social morality represents a means to solve the problem of harmonizing individual freedom and the demands for public order in societies where citizens deeply disagree. Gaus's main target is that of authoritarianism, namely the imposition of normative standards on those who may not have sufficient reason to endorse them. To block authoritarianism, he proposes a convergence model of public justification, in force of which citizens provide reasons for their preferred norms which need not to be shared, but only consistent with the others' sets of beliefs and moral convictions. In rejecting Gaus's view, I concentrate on convergence and its undermining effect on citizens' convictions by demanding a sort of relativistic attitude towards morality and on the significance of disagreement itself. Finally, I argue that the concept of social morality is essentially unstable in an attempt to mix up normative and descriptive considerations. Moreover, I argue that Gaus's decision to work with such a precarious idea has to do with his practically engaged conception of political philosophy sustained by the idea that morality has a task to perform, namely that of enabling individuals to live in mutually beneficial social relations.

In chapter 3, I tackle the metaphilosophical issue of how political philosophy should face the issue of disagreement and I defend the use of metaethical understanding as functional to normative political philosophy. I engage with the debate about quietism, which is a view aiming at downplaying the role of metaethics. First, I consider Ronald Dworkin's attempt to reduce metaethics to normative ethics and reject it on the basis that it is self-defeating; it gains its appeal only on rhetorical grounds; and it misunderstands the notion of neutrality implied by his own argument. Second, I consider Richard Rorty's attack on philosophy, by which metaethics is dismissed as simply irrelevant to normative political philosophy and the achievements of valuable pragmatic ends. I rebut Rorty's ideas by showing that metaethics is of practical relevance by analysing the phenomena of moral change, moral education, and disagreement. Finally, I distinguish between what I call an evaluative and a therapeutic profile of political philosophy and reject the latter to embrace the former.

Chapter 4 concerns disagreement and it constitutes my attempt to understand what is the best account of normative disagreement throughout the analysis of those provided by the different and most important metaethical theories available on the philosophical market. I reject the idea of disagreement given by non-cognitivists on the basis that, in excluding the possibility of correct answers to normative questions, they undermine the practice of deliberation and reduce disagreement to a clash of different attitudes. Humean constructivism seems to be unfit to account for normative disagreement because of its relativist account of morality, which not only prevent individuals to really question others' opinions, but also impede them to tell their opponents they are wrong. I rebut Kantian constructivism because it makes deliberation and, in turn, disagreement impossible by conceptualizing the normative domain as essentially dependent on an agent's reasoning. Finally, I evaluate and defend moral realism's characterization of normative disagreement. In doing so, I reject the traditional "argument from disagreement", which supposedly undermines moral realism as a whole, and I provide both an explanatory and a positive argument for the realist picture of disagreement. The former shows that moral realists can provide a convincing and complete account of the phenomenon of disagreement, whereas the latter states that to believe in moral realism is necessary to engage in deliberation, and thus to disagree, successfully. It is important to stress that I do not

defend moral realism as a whole. Since metaethics is a multilevel game and metaethical theories gain different plausibility points depending on how they resolve different metaethical problems and questions, the scope of defending a particular position necessarily falls beyond the scope of this work. Here, I attempt only to show that moral realism is the most suited metaethical theory to characterize disagreement.

In chapter 5, I attempt to understand how citizens should respond to disagreement. Having rejected the idea of public justification, I defend a model of political justification from the first person standpoint, which allows citizens to present personal reasons for their preferred laws and policies. In analysing what it means to be authoritarian in the context of political justification, I defend the idea that it is not morally objectionable to defend a political proposal on the basis of personal reasons. To sustain my argument, I provide an account of what it means for citizens to give each other reasons. I then turn to two normative issues concerning how one should respond to disagreement. First, I address the question of whether the fact that one is stuck in a disagreement gives her a practical reason not to engage in it. Drawing on the account of disagreement provided in chapter four, I argue that it is not the case that disagreement triggers a practical reason to refrain from it because otherwise not only it would be impossible to find out whether someone was in error, but also, given the circumstances of politics, abstaining from disagreement would inevitably turn into dogmatically favouring one position over the other. Finally, I argue that although normative disagreement does not require citizens to achieve a principled compromise, it nonetheless calls for a pragmatic one. The second problem I focus on regards the question whether normative disagreement gives a citizen an epistemic reason to refrain from her belief and ultimately to suspend judgment on the subject matter. Drawing on the philosophical debate about the epistemology of disagreement, I reject a conciliatory approach and endorse a steadfast position, granting the possibility for citizens to stick to their convictions when they find out that their fellows disagree with them. Addressing these two issues is central to my project for if there were either a practical or an epistemic reason (or both) to refrain from disagreement, my model of political justification would fail.

Finally, chapter 6 focuses on the practical issues of public discourse, or of what I call political deliberation. Here I am concerned with two particular principles of

deliberation, which are extremely important for justificatory approaches to disagreement, namely the principle of respect and the principle of sincerity. I critically evaluate both, reject them, and propose some alternatives. First, I contend that justificatory liberals' understanding of respect, which grounds the need to provide public justifications, is misleading for it fails at taking individuals' convictions and beliefs seriously. Instead, I propose a principle of deliberative respect, which is a form of recognition respect for citizens qua citizens, similar to Eberle's idea of *conscientious engagement*. The idea is that since citizens share the same society, they can affect and constrain their fellows' lives by choosing and making political decisions, therefore citizens have a moral duty not to coerce others, unless it is morally appropriate. For this reason, deliberative respect requires to strive to arrive at correct judgments in order to understand what political proposals are right. Secondly, I consider the principles of sincerity proposed by both consensus and convergence theorists and reject them. I argue that sincerity is a controversial notion, practically irrelevant when it comes to the political domain because it refers to citizens' intentions and inner mental states, which they can never be sure of. As a replacement to the principle of sincerity, I defend a principle of reliability apt to secure the possibility of deliberation and mutual trust among citizens by excluding the possibility of tricking others.

CHAPTER 1

The independence of public justification: Rawls and the avoidance of disagreement

1.0 Introduction

A discussion of the problem of how to deal with normative disagreements in liberal democratic society needs to start from John Rawls's theory of political liberalism, which represents, without a doubt, the most prominent and influential contemporary account of public justification. Indeed, although the project of seeking agreement despite disagreement is as old as liberalism and was central also for the early social contract theorists, Rawls's *Political Liberalism* marks a new wave in the justificatory liberal project and shapes the thoughts of the vast majority of contemporary political philosophers in the analytic tradition. Roughly put, Rawls contends that, because in a free society citizens hold different and disparate worldviews, problems of legitimacy and stability inevitably arise. To provide a solution to such problems, he defends a conception of justice neutral with respect to citizens' different values and ideas because generated from the fundamental ideas present in a society's public political culture, and thus apt for a stable agreement. Accordingly, Rawls proposes an "ideal of public reason", by which citizens must support and foster only those political principles for which they have reasons that are public, in the sense of drawn from a family of shared moral and political values.

To evaluate Rawls's proposal, I particularly concentrate on his idea of political constructivism, which is intended to sustain the structure of political liberalism by proposing a mode of reasoning designed to apply to the political domain only. I challenge not only Rawls's argument of the burdens of judgment which are considered the cause and explanation of reasonable pluralism, but also the method of political

constructivism itself, in its attempt to remain agnostic with respect to the truth of principles. More generally, I question the Rawlsian style of political philosophy, which aims to affirm the independence of moral theory from other strands of philosophy. In particular, I argue that it is not possible to understand what is a disagreement, and thus to deal with it properly, in embracing such a metaphilosophical perspective.

In the first two sections, I concentrate on Rawls's methodological account and I show his two distinct and innovative turns in political philosophy. Moreover, focusing on its relation with moral philosophy, I explore Rawls's idea of the independence of moral theory, intended as “the study of substantive moral conceptions, [...] the study of how the basic notions of the right, the good, and moral worth may be to form different moral structures” (Rawls 1974, 5), from other fields in philosophy, such as epistemology and metaphysics. Understanding Rawls's twists in approaching the method of political philosophy is crucial to comprehend not only what he takes the aims of political philosophy to be, but also his idea of political constructivism and public justification.

In the third section, I focus on political constructivism and I question the view about the structure and content of the political conception defended by Rawls in *Political Liberalism*. Since the possibility of existence over time of a just and stable society of free and equal persons who hold different and competing reasonable religious, philosophical, and moral doctrines is Rawls's chief concern of *Political Liberalism*, the chapter mainly focuses on Rawls's work and style of justification as presented in the second part of his work. In particular, I show some differences between constructivism in mathematics and political constructivism to explain the latter's approach to objectivity and truth. Finally, I point out some problems with the theoretical enterprise of political constructivism and its commitment to *freestandingness* and agnosticism.

In the fourth section, I focus on the idea of public reason as a form of justification different from both the method of reflective equilibrium and the idea of the original position. I concentrate on the restrictive character of public reason and its exclusive commitment to the political values that everyone in the society has reason to care about. I argue that the idea of public reason and its commitment to the priority of political values not only lacks credibility and misses the point about disagreement, but

it also treats citizens and their commitments to particular fixed, coherent, non-dogmatic, yet controversial ideas unfairly.

I conclude that Rawls's account of public justification does not do justice to both disagreement and disagreeing citizens and the main reason for such a conclusion revolves on the method and aims Rawls assigns to political philosophy.

1.1 The independence of moral theory

Since the publication of John Rawls's *A Theory of Justice* in 1971, most of English-speaking political philosophy has been dominated by the Rawlsian normative paradigm. As Robert Nozick once famously stated, after *A Theory of Justice* a political philosopher had either to work within the Rawlsian system, or provide reasons to explain why she did not¹. In the middle of the Twentieth-Century, due to the experience of Second World War, the development of normative philosophy was in recess, and a hiatus was characterizing debates about the so-called “should-questions” and moral and political theory in general. On one hand of the spectrum, there were those political thinkers who experienced the horror of the war directly and were forced to become refugees. To name a few of them, it is possible to mention Hanna Arendt, Leo Strauss, Eric Voeglin, and Isaiah Berlin. With the exception of Berlin, these theorists refused to be labelled as normative philosophers² and preferred to confront themselves with the study of the history of ideas and with the analysis of broad political concepts.

On the other hand, at the opposite end of the spectrum, there were those analytic philosophers who turned away from normative questions towards metaethics: they preferred to set aside questions of substantive justice to focus on the meaning of rightness, that is about the nature of those properties, if any, which make a certain action right. Those analytical philosophers who maintained an interest in normative questions attempted to arrive at normative conclusions via metaethical reflection. Richard Hare and his proposed conjuncture between prescriptivism and utilitarianism

¹ “[A Theory of Justice is] a work in political and moral philosophy that has not seen its equal since the writings of John Stuart Mill. [...] Political philosophers must now work within Rawls's theory or explain why not.” (Nozick 1974, 183)

² To make an example, in a 1964 interview with the German journalist Gunter Gaus, Hanna Arendt refused the honorific title of “philosopher”. “My profession is [...] political theory. I neither feel like a philosopher, nor do I believe I have been accepted in the circles of philosophers” she stated.

represent a paradigmatic example of this tendency (1952; 1963). This phenomenon was caused by the linguistic turn in analytical philosophy in general and, in particular, by the pervasiveness of logical positivism in the academic world. In such intellectual atmosphere, normative philosophy was not easily welcomed. It is clear that a general acceptance of a combination of strict empiricism with a version of rationalism, connected with a vocation for verificationism, could not provide a suitable and friendly environment for normative questions, which are, in virtue of their nature, impossible to pursue in an empirical way. As Isaiah Berlin pointed out, “those questions are not purely technical and empirical, not merely problems about the best means to a given end, nor are they mere questions of logical consistency, that is, formal and deductive, but properly philosophical” (Berlin 1998, 67).

It is important to stress that this scenario does not imply that, in those years of hiatus, there was no theorizing about morality and politics. On the contrary, it was a remarkably fertile period for political and moral thought. The only reason to stress this point and to be interested in a reconstruction of the history of political philosophy in the Fifties is to understand the impact and change that Rawls's work provoked. It was not the case that the intellectual world relinquished from thinking about issues of politics and morality. Rather, it was Rawls who “changed the subject”³, in embracing a philosophical attitude, which, in opposition to the mainstream trend, was sympathetic to utopian political thinking in asking what an ideally just liberal democracy would look like. Rawls's project represents an attempt to address problems internal to democratic thought while avoiding to compete with different and conflicting analytic metaethical theories and their shortcomings. In so doing he developed not only a new normative view on justice, but also a new methodological framework. Rawls defended a systematic theoretical strategy, shaped by the coherence and rigour of analytic argumentation, but concerned with the *possibility* of establishing a just liberal democracy⁴, with the historical experience of world history in mind⁵. It is important to

³ With this formula Thomas Nagel dedicated to Rawls his book *Equality and Partiality* (1991).

⁴ “Political Philosophy assumes the role Kant gave to philosophy generally: to defence a reasonable faith. In our case, this becomes the defence of reasonable faith in the possibility of a just constitutional regime” (Rawls, 1987, 25).

⁵ “Historically one of the main defects of constitutional government has been the failure to insure the fair value of political liberty. The necessary corrective steps have not been taken, indeed, they never seem to have been seriously entertained. [...] Essentially the fault lies in the fact that the democratic political process is as best regulated by rivalry” (Rawls 1971, 226).

stress that the normative turn operated by Rawls within political philosophy goes hand in hand with the new methodological framework he introduced in the field. Since the aim of this chapter is to show how Rawls's methodology and most generally his view on philosophy lead him to address disagreement as a problem to solve rather than a notion and a phenomenon to explore, understanding the methodological enterprise which characterizes his work is crucial.

In *A Theory of Justice*, Rawls departs from what, at the time of the book's publication, was the most common, mainstream approach to political philosophy. Since political philosophy was regarded as simply a branch of moral philosophy, the latter was considered not only logically, but also methodologically prior to the former. On such view, the questions concerning political legitimacy and authority were supposed to be answered by a full-developed moral theory. Thus, political philosophy's task was simply to apply the principles worked out in the moral theory to the political sphere. In this sense, moral theory was logically prior to political philosophy because political principles were considered logically derived by the developed moral theory. In turn, moral philosophy was thought to be also methodologically prior to political philosophy: for political philosophers to engage in political problems it was necessary to start by moral theorizing. To address political matters, philosophers had to settle a moral theory first.

In *A Theory of Justice*, Rawls rejects this latter commitment to the priority of moral philosophy and, in structuring his contractarian methodology, he allows himself to proceed directly to political philosophy in addressing the problem of legitimacy and authority without first defending a full-developed moral theory. On his account, just institutions can constitute the prior and exclusive concern of political philosophers without committing them to defend a comprehensive moral theory first. However, in *A Theory of Justice*, Rawls's departure from traditional theorizing falls short from this and, through the course of the elaboration of his theory in the book, a moral conception is indeed spelled out. Such a theory is a proper moral conception whose truth is thought to contradict other moral conceptions.

In *Political Liberalism*, and in several articles preceding the book, Rawls's methodology completes its turn in challenging traditional political philosophy's second commitment to moral philosophy, that is the one concerned with the logical priority of

moral principles. Political liberalism is meant to provide a theory of justice apt to guarantee fair institutions capable of making no arbitrary distinction among citizens in assigning basic rights and duties, and to balance competing claims. In this sense, a conception of justice is meant to elaborate and propose those principles which are considered the most suitable to shape the political institutions of a society. In this respect, political liberalism aims to develop a *political conception* of justice, which is a conception designed for the political domain only, and whose content is based entirely on the fundamental ideas implicit in the public political culture of the society in which those principles are meant to apply. A political conception of justice does not aim to provide an account of the good life, or of some moral values for this is a task for full-developed, comprehensive moral theories. On the contrary, a political conception is limited to address political issues only. This does not imply that a political conception is not also a moral conception. According to Rawls, a political conception is a moral conception insofar as it is prescriptive and normative for it is based on ideal normative principles. A political conception is not moral in the sense that it does not draw a comprehensive view of the meaning, significance, and end of human life.

Since on this new understanding a political conception is meant to specify the content of the principles of justice for a society, moral philosophy is not even logically prior to political philosophy. As Rawls says, to elaborate rules apt to decide fairly upon competing claims in assigning basic liberties and duties, “we start [...] by looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles” (1993, 8). Such line of reasoning is not a form of moral philosophy intended in the traditional sense. Rather, it is a form of philosophy aiming at organizing the fundamental ideas that the public political culture provides in order to constitute the basis for determining principles and standards of justice. It is not to tell a story about the nature of principles. Rather, it is to operationalize principles that are already shared.

This second rejection of the traditional view lies within a more general concern Rawls holds with respect to the relation between normative theory and philosophy in general. Indeed, Rawls claims normative philosophy⁶ to be distinct and independent

⁶ In his article “The Independence of Moral Theory” (1974-1975), Rawls distinguishes between “moral philosophy” and “moral theory”. The latter is a part of the broad category of “moral philosophy” and it is characterized by its concern with the comparative study of substantive moral conceptions.

from the other parts of philosophy arguing that, when it comes to normative theorizing “the theory of meaning and epistemology, metaphysics and the philosophy of mind can often contribute very little. In fact preoccupation with the problems that define these subjects may get in the way and block the path to advance” (1974-1975, 6). Rawls does not only think that general questions of philosophy are irrelevant to normative theorizing. On his account, non-normative philosophical reflections are also counterproductive when it comes to normative matters, namely when it comes to “the study of substantive moral conceptions and their relation to individuals' moral sensibility” (Rawls 1974-1975, 6). To clarify this point, Rawls's arguments seem to resemble Kant's claim that practical reasoning can be, by itself and independently of theoretical reasoning, objective: judgements made from the practical point of view can be universally valid, and their application can reach practical sound conclusion even if they do not meet the same standards that apply to theoretical reasoning⁷. Rawls seems to adopt this view with respect to normative reasoning. From his perspective, normative philosophy has a distinct subject matter, its own standards of objectivity and validity, which differ from those used in the other fields of philosophy.

Samuel Freeman argues that in the article under discussion, Rawls does not claim that branches of philosophy such as epistemology, metaphysics, and philosophy of mind are “wholly irrelevant, but rather that [they] do not determine any particular moral theory or conception of justice, but rather are compatible with a wide range of views” (2007, 312). From my understanding, Rawls's claim is stronger than the one Freeman believes him to hold. In this article, Rawls wants to make a methodological

Basically, with “moral theory” Rawls refers to normative moral theorizing whereas with “moral philosophy” Rawls refers to moral philosophy in general, a branch of inquiry including not only the study of moral concepts, but also an inquiry into the nature of morality itself. For these reasons, I shall refer to Rawls's understanding of “moral theory” as simply “normative philosophy” which, from my point of view, seems less ambiguous in capturing what Rawls has in mind in the article.

⁷ “Reason, as the faculty of principles, determines the interest of all the powers of the mind, but itself determines its own. The interest of its speculative use consists in the *cognition* of the object up to the highest a priori principles; that of its practical use consists in the determination of the *will* with respect to the final and complete end. [...] If pure reason of itself can be and really is practical, as the consciousness of the moral law proves it to be, it is still one and the same reason which, whether from a theoretical or a practical perspective, judges according to a priori principles; and then it is clear that, even if from the first perspective its capacity does not extend to establishing certain proposition affirmatively, although they do not contradict it, *as soon as these same propositions belong inseparably to the practical interest* of pure reason it must accept them – indeed as something offered to it from another source, which has not grown on its own land but yet is sufficiently authenticated- and try to compare and connect them with everything that it has within its power as speculative reason, being mindful, however, that this these are not its insights but are yet extensions of tis use from another, namely a practical perspective.” (Kant 1788, 236-237)

point concerning the aim of normative theory, which is, in his view, eminently and exclusively practical in character. Such methodological point is crucial to understand Rawls's approach in *Political Liberalism* and, therefore, to his model of justification of political principles in the face of reasonable disagreement.

To defend my claim, let us analyse Rawls's discussion of the independence of normative theory from epistemology⁸. Rawls's argument starts with a suggestion to leave aside questions about moral truth on the grounds that the history of philosophy showed such notion to be essentially problematic. In this sense, since the notion of truth in morality has always been controversial and harshly disputed, we set the problem aside and concentrate on moral conceptions because we see, in our common experience, that “people profess and appear to be influenced by [them]” (Rawls 1974-1975, 7). So, since understanding moral truth is a task that has been proved to provide unsatisfactory conclusions, for Rawls, a shift of concern towards moral conceptions individuals have, or would have under certain conditions, is required. In turn, the normative philosopher is not someone who attempts to figure out a systematic normative theory. Rather, he becomes a sort of *observer* who is investigating an aspect of human psychology in order to find principles apt to match individuals' considered judgements in a reflective equilibrium.

The procedure of reflective equilibrium is Rawls's method of justification for his conception of justice⁹ and it is interesting here because Rawls contrasts it with any account of moral epistemology which intends its aim as a quest to know true moral principles. Indeed, on Rawls's understanding, reflective equilibrium is a method that starts by identifying a set of considered judgements about justice. These considered judgements are supposed to be made under conditions conducive to make good judgements of the relevant kind (one has to be fully informed about the subject matter, thinking clearly and carefully, without other factors distorting her judgement). Then the method proceeds in formulating principles in accordance with these judgements, principles which can account for the held considered judgements. Finally, a sort of balancing act is required for surely the match between considered

⁸ In “The Independence of Moral Theory” (1974-1975), Rawls defends the independence of normative theory also by confronting it with the study of philosophy of language and philosophy of mind. I shall concentrate only on his discussion about epistemology for it is the most interesting one in relation to the topic of this work.

⁹ The other two are the derivation of principles in the original position and the idea of public reason.

judgements and principles cannot be perfect on the first try. Therefore, the method of reflective equilibrium requires going back and forth between considered judgements and principles, until one reaches a set of principles and a set of judgements among which there is no conflict (Rawls 1971, 48-51). This perfect match is an ideal, a struggle which “continues indefinitely” (Rawls 1993, 97).

The crucial feature of the method of reflective equilibrium is that it is a procedure, which does without epistemology for it does not assume the existence of one correct moral conception. A reflective equilibrium is “a kind of psychology and does not presuppose the existence of objective moral truths” (Rawls 1974, 9). Since moral truths are off the table for they are useless, it does not make sense to talk about moral knowledge, intended as justified true moral beliefs¹⁰. Therefore, to reach some objective moral conception, it is necessary to engage with moral psychology and understand how our considered judgements, our moral intuitions under favourable conditions, can match normative principles, and vice versa. Rawls's position holds that to reach a moral conception is not to understand how we know moral principles, rather it is to analyse people's moral sensibilities in structuring principles and judgements. Our sensible considered judgements are not to be confronted with any external realities. To take judgements seriously, any claim going beyond morality itself is unnecessary because justice can do without any controversial metaphysical or empirical presuppositions. As Thomas Scanlon puts it, “according to Rawls, the presuppositions that need to be redeemed to defend morality are practical rather than theoretical” (2003, 148).

In this sense, questions concerning how one should act have nothing to do with a theory of knowledge. Rather they are to be addressed by a correct way of reasoning that is distinct from any given individual's point of view. So it is not only that epistemology is irrelevant to normative questions, but it also represents an obstacle to reach the kind of objectivity suitable for normative claims. The idea is that if we concentrate on moral truths and models of explanations, we miss the practical point normative questions demand us to address. Justice is a matter of testing our moral sensibilities and broadening the circle of beliefs that must cohere to assess normative principles and conceptions. Hence, the task of the normative theorists is to compare

¹⁰ Joseph Raz also makes the point that, after *A Theory of Justice*, Rawls welcomes pragmatic concerns at the cost of truth (1990).

and weight the proposals put forward by the different and various developed moral theories available in our tradition in order to find the best suited one to address distinctive normative questions, the one that fits best.

Rawls makes a further claim. Drawing from Sidwick, he embraces the view that “progress in moral philosophy is [...] impeded by giving way to the impulse to answer questions one is not yet equipped to examine” (1974-1975, 10). Therefore, Rawls's understanding of the traditional priority of moral philosophy is even reversed: “it runs [...] from moral theory to moral epistemology” (1974-1975, 10). Priority here is not used in a logical sense, and it does not imply that normative theory is necessary to address questions of moral epistemology. Rather, the strong methodological point Rawls wants to make is that if we have a practical concern, if we want to engage in normative theory, we cannot be distracted by general irresolvable philosophical questions. If we want to achieve moral progress we are to bracket those questions and simply judge, applying the right method of inquiry, from our perspective, from our moral consciousness. There is no logical priority of any sort because normative theory represents a distinct field of inquiry, which cannot be forced into a methodological hierarchy. In this sense, not only epistemology is wholly irrelevant to normative theory for it misses its point, but it also hinders the achievement of its aims¹¹.

Understanding Rawls's view on the relation between normative theory and philosophy in general is fundamental to comprehend what he takes the aim of political philosophy to be and, thus, his attitude towards disagreement.

1.2 A Problem to Solve

Rawls's methodological turn towards a mode of normative theorizing independent of moral philosophy in particular, and of philosophy in general, is directly linked with a change in his view of the aims of normative theory. After the publication of *A Theory of Justice*, Rawls advocates for a normative philosophy with a distinctive political

¹¹ It is interesting to note that, at the end of the article, Rawls makes a further step claiming not only that normative theory is methodologically prior to moral epistemology, but also that the discussion of reflective equilibrium illustrates “the *dependence* of moral epistemology on moral theory” (Rawls 1974-1975, 21, italics mine). This claim is actually in contradiction with his previous discussion concerning the lack of resources to link the results of a successful wide reflective equilibrium with the existence of moral truths. However, the passage is interesting because it testifies the ambiguities in Rawls's thinking about the relation of constructed principles of justice and moral truths, which characterizes his reflections from *A Theory of Justice* to *Political Liberalism*.

vocation, a political philosophy mostly concerned with “practical possibilities” (1985, 224).

To understand this shift, let us consider the character of the communitarian discontent with Rawls’s theory, which nicely captures those problems that Rawls himself attempts to solve in the development of his idea of political liberalism. Generally speaking, communitarian theorists share a common aversion against philosophical abstraction and claim for a way of theorizing which privileges sensitivity to traditional practices, appreciation of social and cultural diversity, and a pragmatic attitude. According to communitarianism, standards and principles of justice must be found in forms of life and traditions of particular societies and, hence, can vary according to context. To form moral and political judgements, the particular framework within which a particular community views the world is fundamental¹². Despite this commitment to context, communitarianism can be seen as a “negative approach” for its main concern lies more in the rejection of liberalism and its universal pretensions than in proposing a positively formulated political project. In particular, communitarian critiques’ main target of Rawls’s liberal theory is his commitment to some sort of Kantian metaphysics, which is supposed to inform his theory of justice. Michael Sandel’s famous criticism of Rawls resides precisely on the idea that liberalism is necessarily premised on an abstract conception of individual selves as pure choosers, whose commitments, values, and concerns belong to the self, but never constitute the self. According to Sandel, in Rawls’s view the self is presented as a kind of radically unattached, individual chooser, with no substance, constituted antecedently to society. It is an *unencumbered self*, prior and at distance to its real, concrete aims and ends. Thus, liberalism is based on an implausible abstract theory, which makes it inevitably flawed (Sandel 1982). Moreover, implicit in his theory, Rawls puts forward a conception of the well-ordered society liberal in character to reach agreement on the two principles of justice. Rawlsian reasoners, it is argued by communitarian theorists, must share an underlying comprehensive scheme of values and belief as the basis of their agreement on justice as fairness.

Given his claim for an independent and distinct philosophical style, Rawls cannot defend a conception of justice sustained by metaphysical ideas. This would be

¹² For an overview of different communitarian perspectives, see Mullhall, and Swift 1992.

controversial, limited, and exclusive. To fix it, Rawls's strategy is to propose a new reading of justice as fairness as a political conception, which does not need to appeal to any metaphysics to sustain itself. To present this shift in characterization, Rawls expresses what he takes the task of political philosophy to be. In his view, political philosophy's object is quite narrow for its "aims [...] depend on the society it addresses" (1987, p. 1). Thus, in a constitutional democracy, which is the kind of society Rawls is interested in, one of its most pressing and important aims is to present a political conception of justice apt not only to "provide a shared public basis for the justification of political and social institutions but also help [ensuring] stability from one generation to the next" (1987, p. 1). Considering that in constitutional democracies, the attainment of stable social unity is one of the most important long-run goals, political philosophers keen on addressing justice in constitutional democracies should provide fair strategies to achieve such goal by proposing a solution to the problem of maintaining stability. In turn, if the main obstacle to achieve stability is disagreement about matters of values, political philosophy is to provide a solution to the practical problem of disagreement, which represents a major threat to stability. In Rawls's view, such solution is given by the elaboration of a political conception of justice individuals divided by reasonable comprehensive religious, philosophical, and moral doctrines can endorse and agree upon. Since a political conception is a set of political principles generated from shared idea in the public political culture and, thus, its content is independent of any particular comprehensive doctrine, it qualifies to become the focus of an overlapping consensus, and the appropriate candidate to overcome the problem of disagreement. By proposing a political conception of justice, Rawls wants to show the real possibility of an overlapping consensus, whose enlightenment is political philosophy's aim for only an overlapping consensus can secure stability for the right reason, a kind of social and political stability different from a mere *modus vivendi*, which represents a compromise grounded in prudential and not moral reasons.

In *Political Liberalism*, Rawls addresses systematically the issue of stability for the right reason in the face of reasonable disagreement, which softens the problem of legitimacy in addressing only the problem of conflicting reasonable comprehensive doctrines. Here, Rawls argues that justice as fairness is one of the possible political

conceptions of justice for twentieth-century constitutional democracies because it starts within its political tradition and takes the fundamental ideas latent in its public political culture seriously. It represents an elaboration of the fundamental political idea of the society as a fair system of social cooperation, structured by a commitment to reciprocity, together with those of the citizens as free and equal persons and of a well ordered society as a society effectively regulated by a public political conception of justice (Rawls 1993, 15-40).

A fundamental element of the idea of society as a fair system of social cooperation is what Rawls refers to as “the reasonable”. To be reasonable is a quality citizens hold when they are moved by a desire to cooperate in society with others on terms of reciprocity. In this sense, citizens are reasonable when they are willing to propose, revise, discuss, and finally abide by principles and standards as fair terms of social cooperation, given the assurance that others will do likewise. “Reasonable” applies also to those proposed principles and standards in virtue of their justifiability to others. Indeed, reasonable citizens affirm only reasonable comprehensive doctrines, which are not incompatible with the main ideas of the political conception of justice¹³. Thus, the idea of the reasonable is peculiarly public for it is directly related to the establishment of a public social world, to citizens' social relations (Rawls 1993, 49-54).

However, the idea of the reasonable is not only meant to capture citizens' willingness to discuss and abide by principles of social cooperation. The idea of the reasonable holds a second aspect, which is “the willingness to recognize the burdens of judgements and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime” (Rawls 1993, 54)¹⁴. The burdens of judgements explain a fact of the public culture of a

¹³ “Assume that reasonable persons affirm only reasonable comprehensive doctrines, [which] have three main features. One is that a reasonable doctrine is an exercise of theoretical reason: it covers the major religious, philosophical, and moral aspects of human life [...] A reasonable comprehensive doctrine is also an exercise of practical reason. Finally, a third feature is that while a reasonable comprehensive doctrine is not fixed [...], it formally belongs to, or draws upon, a tradition of thought and doctrine” (Rawls 1993, 59).

¹⁴ It might seem that I am proposing here to understand Rawls's reasonableness with a conjunction: in order to be reasonable, a citizens must both be motivated to cooperate with others on terms of reciprocity, and acknowledge the fact of reasonable pluralism. However, things are more complicated than that. Although it is possible and important to conceptually distinguish between the two elements that characterize the notion of reasonableness, such features are strictly interconnected. Indeed, according to Rawls, to recognize the burdens of judgments means not to impose one's own comprehensive doctrine on others, and thus to be willing to cooperate on terms that are acceptable to all.

constitutional regime: the fact of reasonable pluralism, namely the existence of conflicting, yet reasonably held, conceptions of the good. Indeed, according to Rawls, reasonable pluralism is attributable to the exercise of the deliberative liberties guaranteed by the free institutions of modern democratic societies. The burdens of judgements represent the source of reasonable disagreement, namely disagreement among reasonable persons, for they are “the many hazards involved in the correct (and conscious) exercise of our powers of reason and judgement in the ordinary course of political life” (Rawls 1993, 56). The crucial point of the burdens of judgement is that disagreement does not result from a failure *to* reason, neither from a failure *of* reason (Archard 2001). Disagreement is neither a form of individuals' irrationality or stupidity, nor is it individuals' reasoning to be at fault. Disagreement is the result of the free exercise of reason under conditions of liberty. And since reasonable citizens hold conflicting and controversial comprehensive doctrines, which express views of the world and of the value of life, the burdens of judgement explain why it is inevitable for them to be subjected to disagreement. The argument holds that, even among reasonable, free persons committed to an ideal of discussion that requires reasoned defence of their claims, there will always be disagreement about normative issues.

According to Rawls, the sources of persistent yet reasonable disagreement identified by the burdens of judgement are:

- 1) The difficulty of assessing and evaluating empirical and scientific evidence;
- 2) The difficulty of weighing such evidence;
- 3) The vagueness and thus indeterminacy of moral and political concepts;
- 4) The disparity between people's total life experiences that shape their judgements;
- 5) The difficulty of reconciling different kinds of normative considerations in an overall assessment;
- 6) The difficulty of selecting between and setting priorities among competing cherished values.¹⁵

It is interesting to note that Rawls's discussion of the burdens of judgement as sources of disagreement is accurate in outlining its epistemological and metaphysical causes. However, Rawls means never to touch upon or discuss in deep details these

¹⁵ See Rawls 1993, 56-57.

very causes he himself appoints. If we have difficulties in assessing empirical and scientific evidence, there must be some kind of epistemological story about our shortcomings. If moral and political concepts are characterized by vagueness and indeterminacy, there must be some kind of ontological story about why it is so. But Rawls provides us with no story of these kinds. Since Rawls is committed to the independence of style in normative philosophy, he can neither analyse such philosophical questions, nor explore the meaning of the burdens of judgement any further. Indeed, the argument of the burdens of judgement is meant to be merely explanatory of disagreement, but there is no explanation of the burdens of judgement themselves. What Rawls is really concerned with in fact is not disagreement, *reasonable* disagreement, namely the conflict of conception of the good among reasonable citizens. Citizens of a democratic society will keep on disagreeing about moral issues, but the goal of achieving an overlapping consensus might be impeded by reasonable persons holding different and competing comprehensive religious, philosophical, and moral doctrine if a suitable political conception is not provided. In this sense, Rawls dismisses the philosophical problem of disagreement, of how we are to relate to evidence, to vagueness, to our different understanding and experiences, to focus on disagreement as a practical problem philosophy needs to solve in order to achieve stability for the right reasons. But in so doing, he dismisses also the normative problem of disagreement and its political implications. On Rawls's view, disagreement in itself, its nature, modes, and characteristics, does not represent a concern for political philosophers. For these reasons, he characterizes reasonable disagreement as a fact¹⁶, as a necessary condition of human beings living in democratic societies with no further explanation. Political philosophy is to address the problem of reasonable disagreement, the possibility of coexistence and stability among reasonable individuals who endorse different views about how a good life should be lead. Thus, political liberalism is not meant to tackle the problem of disagreement, but to simply suggest a solution to neutralize its possible effects on citizens' social relations.

¹⁶ The "fact of reasonable disagreement" is not an unfortunate condition of human life for it is the long-run outcome of the work of human reason under enduring free institutions. In this sense, reasonable disagreement is a sort of "qualified fact" for Rawls, in the sense that it is caused by the circumstances of freedom under democratic politics, and thus is the outcome of a positive political environment apt to secure individuals' freedom. In this sense, it is that particular human condition caused by a general surrounding and not something that naturally happens anywhere, universally, but a specific outcome with a determinate positive input.

1.3 Political Constructivism

On Rawls's account, reasonable pluralism is a fact about human condition in constitutional democracies. A further, related fact is identified by Rawls in the necessary oppression a single comprehensive theory must exercise to gain support by all citizens. The idea is that if a political society is to affirm one and the same comprehensive doctrine, the oppressive use of state power is necessary to secure such unity. Indeed, given the action of the burdens of judgements, a unified shared understanding of one comprehensive view can be maintained only by oppression (Rawls 1993, 37).

Rawls holds that the public political culture of our liberal democracy accepts the facts of reasonable pluralism and oppression and, thus, the political conception of justice of a constitutional democracy must be consistent with all reasonable comprehensive views. Otherwise, there would be no chance to gain an overlapping consensus able to ensure stability for the right reasons. What is then a suitable strategy for political philosophy to address this scenario? Rawls presents it as a "method of avoidance" which is consistent with his understanding of both the method and aim of normative philosophy. Since reasonable citizens disagree over the various conceptions of the good they endorse through their comprehensive doctrines, principles of political justice must remain agnostic not only about the truth of moral principles, but also about the nature of those very principles. Rawls's agnosticism concerns both first and second orders moral theory: remaining agnostic in relation to first order moral theory, a political conception of justice seeks its validity to be independent of any conception of the good life; being agnostic towards second order moral theory, a political conception intends not to deal with any questions of truth, it simply does without the concept of truth. Therefore, a political conception of justice apt to reach an overlapping consensus is to be *freestanding*, it is neither presented, nor derived from a first or a second order moral theory and, in virtue of this character, can be matched with any comprehensive reasonable doctrine. In this sense, a political conception of justice is not only a normative conception "worked out for a particular kind of subject, namely for political, social, and economic institutions" (Rawls 1993, 11). It is also a theory that fully embodies Rawls's commitment to the independence of political philosophy. Seeking agnosticism, political liberalism aims to avoid taking any

contested epistemological or metaphysical positions. For these reasons, Rawls elaborates a peculiar version of constructivism shaped to be distinctly political. Here is where Rawls's second-order, or metanormative position, with its agnostic twist, gets tricky. Indeed, it might be thought that Rawls, with his political constructivism, and the "method of avoidance" sustaining it, advances no second-order position for he intends not to take part in any debate about the nature of ethical properties, statements, attitudes, and judgements: "justice as fairness deliberately stays on the surface, philosophically speaking" (Rawls 1985, 230) However, I think this understanding of Rawls's political constructivism is mistaken. By defending the idea that principles of justice, in order to be normative, need not to rest on philosophical or metaphysical conceptions, Rawls is indeed advancing a particular metanormative perspective: he takes a particular stance in the debate about the conditions of possibility for normative principles. The trick lies in the fact that Rawls's metanormative position requires neutrality with regards to specific metaethical questions, such as that of the metaphysics of morals. However, this move constitutes itself a second-order position, which warns from taking a stand in particular metaethical debates and requires neutrality.

Political constructivism constitutes the method to argue for the objectivity of political principles, which are so derived by the political conception of justice from the fundamental ideas present in the public political culture. In justice as fairness, the principles of justice are those selected by the parties in the original position¹⁷, so

¹⁷ The original position is a central feature of John Rawls's conception of justice as fairness. The original position is designed to constitute a fair and impartial point of view to be adapted in our reasoning about fundamental principles of justice. It is the artificial device constituting the path for choosing the principles suited to establish a just society. Moreover, it is also the appropriate status guaranteeing that the agreement upon the principles is fair. In this sense, the original position works on two different levels: it is the situation that permits reasoning on principles, but it also represents the insurance that such reasoning is accomplished fairly. On Rawls's account, the original position is a completely hypothetical situation, which "corresponds to the state of nature in the traditional theory of the social contract." (Rawls 1971, 11) Since justification of the principles of justice is established by a deliberation between the parties, the original position sets those conditions apt to favour fair decisions concerning justice and the institution of a just society. Such conditions require a restriction on the knowledge of each party's contingent situations, which is provided by the idea of the veil of ignorance. The original position, which models our intuitions about justice, requires that, when it comes to choose among its principles, the parties about to commit themselves in the agreement must not know who they are going to be in the society. The idea is that, since individuals have conflicting intuitions about justice, a procedure is needed. For the procedure to work, certain conditions are to be established: if people about to decide upon the principles of justice knew their position in the society going to be established, they could favour their own particular condition. The veil of ignorance operates not only to neutralize differences among people, but also to create a situation of symmetry, which ensures that principles of

political constructivism explains how such principles are objective in designing an original position which is entirely consistent with the fundamental values and ideas present in a society's public political culture. In this sense, the original position is not constructed, but simply "laid out" (Rawls 1993, p. 103). It embodies the relevant conceptions of the person, society, and principles of practical reasoning to make judgements about justice and, thus, it specifies a shared, contextual public perspective from which all citizens can reason about the principles of justice and their application in social institutions.

To understand how political constructivism works, it might be useful to stress some of its similarities with a certain kind of constructivism in philosophy of mathematics. The analysis is interesting because Rawls himself mention the parallel between the two accounts in *Political Liberalism* (Rawls 1993, 102-101). To put it roughly, in the philosophy of mathematics, a certain form of constructivism holds that it is necessary to construct a mathematical object to prove that it exists. A mathematical proposition is true if and only if it is possible to prove it, that is to provide a convincing demonstration of it within the accepted standards of the field. To make an example, the validity of the Euclidean algorithm, which permits to compute the great common divisor among numbers, is not grounded in its reflection of a certain feature of natural numbers, but on its logical and mathematical consistency. Thus, constructivism rejects a Platonist view of mathematics, which argues that the existence of mathematical objects, such as numbers, is mind-independent and that the truth of mathematical propositions depends on their correspondence to an independent reality. On the contrary, according to constructivism, there is no distinction between sources of truth and beliefs. Since mathematical objects ultimately depend on the possibility to be proven by mathematicians, the truth of mathematical propositions depends on beliefs. For constructivists, mathematics is a product of the mind. There exist no mysterious mathematical entities and realm whose relation with our reasoning would be problematic to explain. In short, mathematical knowledge is all there is. The two interesting features of this sketchy representation of constructivism in mathematics I care to highlight are: the reduction of metaphysics to epistemology (mathematical

justice are the result of a fair agreement. In this sense, the form of contractualism Rawls seeks is not that of an actual contract; rather, his aim is that of establishing principles of justice every rational agent would agree to. See, Rawls 1971, 10-19.

objects exist insofar they are constructed by our reasoning) and the acceptance of Ockham's razor (the idea of a mind-independent mathematical realm is to be rejected because of its implausible metaphysics)¹⁸.

Similarly, political constructivism refuses to deal with questions of metaphysics given their intrinsic problematic nature and holds that political principles are only those constructed within the original position. As the constructivists mentioned above reduce mathematics to proofs, so too Rawls reduces principles to the outcome of the original position. However, the similarities with philosophy of mathematics stop here for political constructivism, as stated earlier, is a peculiar second-order position refusing to endorse any view about the nature of values. Indeed, if constructivism about mathematics defends the truth of proved mathematical propositions, political constructivism avoids dealing with any question of truth. "Political constructivism does not use [an] idea of truth, adding that to assert or to deny a doctrine of this kind goes beyond the bounds of a political conception of justice framed so far as possible to be acceptable to all reasonable comprehensive doctrines" (Rawls 1993, 114).

To show that his new position is the most suited to accommodate the problem of reasonable pluralism in democratic societies, Rawls juxtaposes political constructivism with two other accounts of the objectivity of principles. The two accounts he is willing to analyse and confront with political constructivism are: on one hand, rational intuitionism, which represents one of his long-running worries; on the other, Kantian constructivism, a form of moral constructivism he endorsed from *A Theory of Justice* till the delivery of his famous *Dewey Lectures*¹⁹.

With the term "rational intuitionism" Rawls characterizes a simplified version of moral realism, whose references he finds in the works of Clarke, Price, Sidwick, and Ross. The two main features of rational intuitionism Rawls highlights are, on one hand, the idea that moral principles and judgements can be true or false when they correctly capture features and properties of a moral reality independent from any activity of human mind. Moral principles and judgements so understood are not desires,

¹⁸ For an illustration and discussion of constructivism in philosophy of mathematics see, Francis 2008; Bridges 1997.

¹⁹ Although in *A Theory of Justice* Rawls does not use the term "constructivism", the idea of a "construction" is present in his account of ethical reasoning. Rawls refers to the principles of justice as *constructive criteria* for settling moral problems. See, Rawls 1971, 30-36. In the *Dewey Lectures*, Rawls, aims to examine directly the notion of moral constructivism and emphasize its importance for justice as fairness with its Kantian roots. See, Rawls 1980.

attitudes, or other psychological states, but cognitive beliefs aiming to the truth of an independent moral world, as traditionally conceptualized. On the other hand, on Rawls's reading, moral realism understands the possibility of moral knowledge, namely the idea that it is possible to formulate true moral principles, by the activity of theoretical reason. Since moral principles are simply intuited by due reflection, there is nothing left for the exercise of practical reason: according to moral realism, Rawls holds, the study of justice is the same as the study of mathematics in arithmetic and geometry.

Kantian constructivism radically differs from rational intuitionism. Kant's doctrine is a comprehensive moral view hinging to the ideal of autonomy. Furthermore, Kantian constructivism is a metaphysical doctrine for its main ideal, the one of constitutive autonomy, is part of Kant's transcendental idealism. On this account, moral values do not exist independently, as for rational intuitionism, but are constituted by the activity, actual or ideal, of practical human reason itself. Moral principles and judgements are true or false in reference to the correct use of human practical reason. The doctrine of transcendental idealism provides also the basis of the constructive procedure of principles in designing a metaphysical conception of person and society.

Given the previous discussion of Rawls's commitment to agnosticism, it should seem clear where his concerns stand with regards to rational intuitionism and Kantian constructivism. What is important to understand is that political liberalism aims not to touch upon any question of truth for its goal is to be the most inclusive account as possible. Indeed, political constructivism aims neither to reject, nor defeat rational intuitionism and Kantian constructivism. On the contrary, Rawls's attempt is to provide an alternative consistent with the other two. In this sense, political constructivism is not in competition with rational intuitionism and Kantian constructivism. Rather, it proposes itself as placed on a different level, tackling a different subject, namely the design of political institutions. Both rational intuitionism and Kantian constructivism are metaphysical doctrines representing two divergent possible conceptions of the good, but political constructivism needs not to deny their validity, or plausibility. Since political constructivism aims only to address the limited domain of the political, it needs not to enter in conflict with any reasonable comprehensive doctrine as long as

they do not enter into public debate. Arguing for a comprehensive doctrine in public debate would require oppression.

On Rawls's view, principles of justice are different from moral principles, therefore it is possible to form a *freestanding* political conception, which does not compete, but rather complete a comprehensive philosophical, religious, moral doctrine in providing normative principles for the limited scope of social institutions. Rawls is clear in expressing his hopes for political liberalism not to contradict any comprehensive view:

We try, so far as we can, neither to assert nor to deny any particular comprehensive religious, philosophical, or moral view, or its associated theory of truth and the status of values. Since we assume each citizen to affirm some such view, we hope to make it possible for all to accept the political conception as true or reasonable from the standpoint of their comprehensive view, whatever it may be. Properly understood, then, a political conception of justice need be no more indifferent, say, to truth in philosophy and morals than the principle of toleration, suitably understood, need be indifferent to truth in religion (Rawls 1993, 150).

Political constructivism presents the purpose of political liberalism's agnosticism in providing an account of the principles of justice building on fundamental commitments to particular ideals of the person and society, together with practical reason. Except its adherence to social fundamental ideas shared in the public political cultures, no further claim about the status of the construction is needed. In this sense, moral truth is not set off all tables, but is left to each citizen for her comprehensive doctrine and for the justification of the political conception within her own, private reflection. This is what provides grounds for the possibility of an overlapping consensus among reasonable individuals holding different and competing comprehensive doctrines: Rawls thinks that by giving them the possibility to believe in their comprehensive doctrine within their own reflection, citizens will happily bind to reasonable, limited political principles. Thus, political constructivism explains how principles of political justice, as defined by political liberalism, are acceptable and should guide our reasoning about just institutions.

The agnostic character of political constructivism structures the aim of Rawlsian political philosophy and its justificatory conception. Political philosophy is not to enter

into conflict with other philosophical conceptions. It is not to evaluate claims that pertain to a controversial, philosophical domain. Rather, political philosophy is to defend principles of justice by defending their consistency and acceptability given the practices and ideals of a particular society, namely a constitutional democracy. In embracing the independence of normative theory from philosophy and, in turn, defending political constructivism and its “method of avoidance”, Rawls share with Carnap a commitment to neutrality with respect to philosophical issues in general, and metaphysics in particular (Boran 2005). It is not a form of “anti-philosophy” for Rawls does intend philosophy's traditional quest for objective truth useless or irrational²⁰. Rather, on Rawls's account, avoidance of metaphysics is necessary in political philosophy because political philosophy is about the justification of principles of justice, their acceptability and also the agreement citizens can be expected to grant them. Metaphysics and commitments to particular ideas of the good life are too important, Rawls holds, to be the subject to political philosophy²¹. Political philosophy is only to provide reasons to support implicit shared values. It must restrict itself to the limited scope of articulating principles for the institutional design of societies.

Here, two questions arise. The first one regards the “method of avoidance” and it concerns whether an agnostic political philosophy is suited to address the problem of reasonable disagreement in society. Let us put aside the problem whether Rawls provides sufficient reasons to explain the possibility of stability for the right reasons, whether his account of how such stability could arise is convincing (Freyenhagen 2011). Instead I am concerned with his understanding of the phenomenon rather than his conclusions and solutions. As pointed out in the previous paragraph, understanding what a disagreement is without a general picture of how and why the burdens of judgement actually work seems difficult. Related to this concern is the second question, which regards how individuals are to be conceived from the point of view of political philosophy. Rawls's affirmation that, since metaphysical and moral commitments are “too important” to be settled politically, citizens are to embrace a *freestanding* political conception which require them to restrain their reason in public

²⁰ As it is, on the contrary, the case of Rorty (1979 and Chapter 3 of this work).

²¹ “To secure this agreement we try, so far as we can, to avoid disputed philosophical, as well as disputed moral and religious, questions. We do this not because these questions are unimportant or regarded with indifference, but because we think them too important and recognize that there is no way to resolve them politically” (Rawls 1985, 230).

discourse seems odd and problematic. If I hold a strong metaphysical claim, recognized not only as important, but also coherent, why should I be required to leave it behind when I enter into public discourse? Is a restriction requirement on moral conception in public fair to citizens?

1.4 Public Reason

The conception of justification in the later Rawls is most explicit in his “Reply to Habermas” (1995), where Rawls distinguishes between three levels of justification which citizens of democratic societies find themselves engaged in. The first level of justification is a “*pro tanto* justification” and it is concerned with the coherence and completeness of a political conception in its providing political values apt to address all questions of basic justice. By examining a wide range of political questions, a *pro tanto* justification of a political conception is meant to test whether it can provide reasonable and satisfying answers to those very questions. The first level of justification conceptualizes the idea of the original position, which, thanks to political constructivism, starts from the values shared in the public culture of the society. Citizens begin from the basic ideas shared in society and their considered judgement to construct an explanatory device (the original position) to produce principles of justice. However, as long as the justification of the political conception is *pro tanto*, citizens might be driven by their comprehensive doctrine, which may override the political conception justified only at the first level.

To overcome such possibility, Rawls introduces a second level of justification, called “full justification”, by which citizens weight and put in order claims of political justice against non-political values, as defended by comprehensive doctrines. The second level of justification conceptualizes the idea of reflective equilibrium which, given the independence of normative philosophy from philosophy in general, and epistemology in particular, is oriented towards no true principles, but to a suitable accommodation between the political conception and any other comprehensive values. In short, by “full justification”, each citizen checks individually whether her reasonable doctrine allows her to support the political conception of justice constructed at the first level of justification. This, of course, means accepting the priority of political, shared values over non-political values. A political conception is *freestanding*, but that “does not

mean that it cannot be embedded in various ways into [...] the different doctrines citizens affirm” (Rawls 1995, 143) Basically, Rawls supposes that each citizen has both a comprehensive view of the good life and a political conception of the standards appropriate for setting questions about the basic institution of society. He also believes we can think of the latter as a sort of component of the former. It is a “module” within every citizen's comprehensive view having specifically to do with political institutions and relation with one's fellow citizens.

Finally, the third level of justification is “public reason”. By it, Rawls intends a requirement held on citizens to settle questions of basic justice by appealing to political values everyone in the society, regardless of their comprehensive views, has reason to regard as important. To clarify, although it is characterized by great abstractness, what Rawls has in mind when refers to constitutional essentials suited for public reason are substantive ideas of justice such as rights, liberties, opportunities, and values having to do with public inquiry and debate. Public reason, on the other hand, specifies the character of justification that citizens must be able to offer in political discussions when those questions are at stake. It is a norm of political conduct. In this sense, citizens appeal to public reason in defending their claims about basic issues of justice because, Rawls holds, in so doing they can express their reasonable comprehensive doctrine, as “full justification” holds, and at the same time reach an agreement on political principles. Prescribing public reason to address issues of justice binds agreement among citizens in restricting the values available to public discussions to those recognized by political constructivism, namely agnostic, contextual political values shared in the public culture of the society.

It is important to note that although political liberalism can be affirmed within a reasonable comprehensive doctrine, the content of such doctrine has no normative role in public justification. The idea of public reason requires citizens to remain bounded to the domain of the political and not to appeal to comprehensive doctrines when it comes to questions of basic justice, even though they might hold a reason drawn from their comprehensive doctrine to reach the same conclusion. Appealing to comprehensive views in public when questions of rights and liberties are at stake means to transgress the limits and rules of public justification, which is morally objectionable. In this sense, public reason requires that in discussing constitutional

essentials and matters of basic justice, citizens use political values, as political constructivism intends them, only.

In shaping the requirement of public reason, Rawls completes his agnostic move against reasonable disagreement. As philosophy has not to be involved with questions about epistemology and metaphysics if it is willing to go “somewhere” in the real world, “to progress”, citizens are to leave those metaphysical, controversial, historically unshared reasons behind to achieve the stability a constitutional democracy must aim to. Public reason prescribes citizens to provide reasons for their claims in public discussions everyone could reasonably accept, and thus it requires citizens to appeal to no philosophical or metaphysical arguments given their controversial and irremediable disputed character.

So, the three levels of justification Rawls outlines are meant to secure a political conception of justice apt to deal with reasonable disagreement. The task of political philosophy is to provide a political conception apt to serve as a public standard of justification with reference to which all questions about the justice of the society's basic institutions are to be settled. What is important is that if the standard of public justification is met, stability for the right reasons is achievable and, thus, political philosophy can be measured by its success in binding consensus. In this sense, political philosophy needs to prove that the political conception is justified insofar as it is possible to secure an overlapping consensus. Indeed, Rawls does not provide any argument about the rightness of the conception of justice. Given his commitment to agnosticism, he cannot prove the political conception to be required by justice. Instead, he needs to shift the perspective towards the possibility of establishing an overlapping consensus for Rawls cannot claim the truth of his conception, otherwise it would qualify as incoherent. However, if the standard of acceptability of the theory is set on the achievement of a certain aim, namely stability for the right reasons and, hence, to the resolution of a certain problem, namely the threat posed by the possibility of reasonable disagreement, Rawls needs to provide an argument concerning how and why citizens would accord priority to the political conception when it comes to the justification of political principles. Furthermore, Rawls needs to show that according such a priority is the fair way to go in addressing disagreement, or at least explain why those claims citizens' claims involving philosophical, moral, and

religious commitments should be sacrificed for stability, whether a conception with such a strong restricting requirement is a fair conception to those very citizens.

The problem lies in the apparent straightforward connection Rawls draws between the fact of reasonable pluralism and the requirement of public justification. It seems that, according to Rawls, public justification derives from the fundamental ideas in our public political culture. As the ideas of the person and well-ordered society are presented in political constructivism as emancipated from any metaphysical comprehensive view and drawn from the public culture of democratic society, so it is a fact that the culture of a democratic society identifies political justification with public justification. However, it seems that such a contextual and historical character of public justification cannot help to be controversial for it is not all clear why history or culture should provide evidence for the rightness, soundness, appropriateness of a certain practice. It is important to highlight that the problem is not about using historical, or cultural arguments *per se*, but on taking them as they were justified, explained, objective facts, similar to discovered scientific facts. The argument that public justification simply stems from the fact that it is a fundamental idea of the public political culture of contemporary liberal societies, stating that is the most coherent means to achieve legitimacy given how contemporary liberal societies are, is indeed problematic.

Moreover, in elaborating the idea of reasonableness, Rawls argues that the public political culture of a constitutional democracy accepts the fact of reasonable pluralism because it recognizes the action of the burdens of judgement. Recognition of the burdens of judgement means for citizens to see that limits must be set on what can be reasonably justified to others, and that “it is unreasonable [for anyone] to use political power [...] to repress comprehensive views that are not unreasonable” (Rawls 1993, 61). The argument is that, given the action of the burdens of judgment, individuals should not recognize the fact of disagreement, but the fact of reasonable disagreement because, as human beings, they have a capacity not only for toleration, but also for mutual respect. Indeed, respect, with its duty of civility, is what triggers public justification in Rawls’s theory. Respect requires citizens not to impose their views on others and, thus, to restrain their convictions only to those already shared with others. However, two problems here arise. First, the idea that respect requires to

abide by the rules of public justification and to restrain one's reasons in public discourse is controversial and disputable. There are different conceptions of respect²² favouring, for example, the idea that citizens should provide others with true reasons (as they see them) when engaged in political debates. In this sense, the link between mutual respect and public justification is not at all straightforward and unequivocal as Rawls supposes. Second, even if the action of the burdens of judgment produces reasonable disagreement, this does not prevent also non-reasonable disagreement to arise. It may well be the case that, in a liberal and democratic society, some citizens are reasonable and others unreasonable, and it seems that restricting a theory only to the formers is unfortunate for providing a solution to reasonable disagreement only does not put to rest worries about legitimacy and stability, as Rawls understands them. Recall that Rawls labels reasonable those citizens who not only recognize the fact of the burdens of judgement, but also have a sense of justice, which moves them to cooperate in society on the basis of reciprocity, discussing and abiding by shared principles and standards acceptable from everyone's point of view. In turn, reasonable comprehensive doctrines are those doctrines recognizing the priority of political values, and unreasonable doctrines are views, which are incompatible with the political conception of justice²³. However, to draw such a distinction constitutes and impediment for Rawls's theory to really regard those citizens who do not respect the limits of public reason appropriately. Since Rawls replaces truth with reasonableness, he cannot take into consideration citizens proposing principles driven by comprehensive views. He can only reduce them as unreasonable. He does not engage in discussions about the reasons they propose, and merely dismisses them as unfit to political purposes. He does not deny that those proposed by citizens who reject public justification might be good reason, but considers them irrelevant nonetheless, in force of their divisiveness. The problem is that, although it might sometimes be the case that individuals have reason not to act on what they acknowledge are good reasons (Raz 1979, 16-19), to sustain that in the political context this is always the case, a powerful

²² I argue for a specific conception of respect, from which public justification does not follow, in Chapter 6.

²³ "Reasonable persons see that the burdens of judgment set limits on what can be reasonably justified to others, and so they endorse some form of liberty of conscience and freedom of thought. It is unreasonable for us to use political power, should we possess it, or share it with others, to repress comprehensive views that are not unreasonable" (Rawls 1993, 61 italics mine).

and strong argument is needed. Unfortunately, it seems that Rawls's theory lacks such an argument for it is not clear why his idea of reasonableness should matter at all in the justification of political principles. The problem is that if individuals have to treat each other with respect, this holds both for reasonable and unreasonable persons. This is also because the scope of Rawls's theory is to find principles all citizens can agree to. However, if the focus is only on reasonable citizens, the theory falls short of its own scope. Moreover, it seems that respect should be granted not only to reasonable, but also to unreasonable citizens because usually respect regard persons qua persons, not persons qua reasonable persons. In this sense, citizens who refuse to prioritize political values over their comprehensive doctrine are entitled of respect as citizens convinced by political liberalism²⁴ for there is no moral difference between disrespecting reasonable and unreasonable citizens. The point is that the rationale given for public justification holds equally for reasonable and unreasonable citizens and makes Rawls's restriction of the discussion to the reasonable unjustified and the distinction between reasonable and unreasonable pointless.

Another problem with the Rawlsian account can be spotted in the attempt to equate metaphysical²⁵ with religious claims, and in understanding the dichotomy reasonable/unreasonable as reflecting a commitment to the traditional, liberal public/private distinction. It seems that Rawls treats metaphysical claims as religious one, which, he holds, can be internalized in the individual private sphere. Moreover, Rawls also seems to understand that reasonable are, in end, those doctrines which recognize the validity of the liberal distinction between what can be justified in the public sphere and what can be only believed in private. To strengthen this point, it is important to note not only that religion is often mentioned with metaphysics in the Rawlsian characterization of comprehensive doctrines, but also that he invokes frequently the history of the Reformation²⁶, with its privatization of religious beliefs²⁷.

²⁴ On this point see Enoch 2007b; 2009c.

²⁵ With "metaphysics" I am referring to philosophical claims about values and principles. I am using "metaphysics" only for sake of clarity, but I think that what is at stake in this discussion is the very possibility of putting forward coherent, non-scientific and, hence, intrinsically philosophical argumentation for political justification.

²⁶ Rawls refers to the Reformation as "the historical origin of political liberalism" (Rawls 1993, p. xxiv).

²⁷ This move is particularly explicit in Rawls 1987. Moreover, the view is taken further in a Rawls's later article in which it appears clear that the target which public reason aims to remove are religious claims: a central section of it is even entitled 'religion and public reason in democracy' (1997).

But can metaphysical or philosophical claims be equated to religious ones? And more generally, should political philosophy avoid metaphysics altogether, especially when it is intended to address disagreement?²⁸

Consider the case of abortion²⁹. The problem of the permissibility of voluntarily terminating pregnancy by a woman cannot be settled on political grounds only because it is not merely a problem of ranking political values. Rather, the problem of the permissibility of abortion revolves on the question whether the human fetus is a person, and thus whether a fetus is a person of human worth. Such question is inevitably a metaphysical question for we do not dispose of any scientific means to decide upon what makes a person one³⁰. In this sense, is it fair to ban from public discourse those convictions about the nature of personhood because of their intrinsically metaphysical nature? Moreover, is it fair to ask citizens who oppose the permissibility of abortion not on dogmatic grounds, but on philosophical ones not to appeal to their metaphysical claims in political discussions? Imagine a person claiming for the non-permissibility of abortion not in force of the Bible's word, but on justified reasoning informed by a careful and fair examination by which she holds that a human being in utero is an innocent person, a being with a right to life and, thus argues that, abortion entails a wrong because the right to life of one person corresponds to a moral, absolute duty of others not to intentionally kill him or her³¹. Is it fair to this person to reject her reasons on the basis that they are of a philosophical, or metaphysical kind?

²⁸ These two questions are risen also by Hampton 1989; Flikschuh 2000, 12-49.

²⁹ I focus on abortion because not only it is the clearest and most discussed case in the literature on public reason, but it has also been a major concern in real political debates over the last decades. However, although abortion is the most obvious example of where citizens would try to appeal to non-political values (in Rawls's sense), it is not the only one. Other examples may include the education of children, death penalty, and the recent case of genetic enhancements.

³⁰ In the famous footnote 32 of *Political Liberalism*, Rawls addresses the problem of abortion and recognizes that the values at play are those of the "due respect for human life, the ordered reproduction of political society over time [...], and finally the equality of women as equal citizens" (Rawls 1993, 243 fn. 32) However, he then proposes a *reasonable balance* of these three values, which gives women the right to decide to end their pregnancies, without providing any argument for it. In order for Rawls's reasonable balance to succeed, it would need an argument, surely controversial and metaphysically committed to a certain vision of the link between stages of developments of a fetus and the development of the status of person, to defend the priority of women's equality over the due respect for human life. However, given Rawls's argumentative antimetaphysical resources, he cannot provide such an argument and, thus, cannot really fix the problem of abortion.

³¹ A good example of such reasoning can be found in Kaczor 2010.

The problem with Rawls's characterization of the reasonable is that it seems to imply that for one to be fair and justified it is necessary to ground her beliefs in already shared political values and methods of reasoning. Labelling certain individuals unreasonable in virtue of their insistence on non-public reasons forces to understand unreasonable persons as those appealing to dogmatic, incoherent, unsound reasons. But are citizens who do not offer public reasons morally objectionable? Certainly, an absolute, dogmatic catholic person basing an argument against abortion on the evidence of the word in the holy Bible, or in virtue of the Pope's discourses may seem unreasonable. But what about an absolute, reflective catholic committed to the idea that God makes a person into one the minute she is conceived and provides a philosophical argumentation for it? Is it fair to hold her unreasonable because of the coherent, yet non-public, in the Rawlsian sense, reasons? And what about an individual defending a pro-choice position arguing that the fetus is not a person of moral worth given its lack of consciousness and, thus, that there are no moral duties to respect? Should this person be considered a bad citizen because she provides no public justification for her claim?

The problem is not only concerned with Rawls's missed understanding of citizens holding particular justified, coherent, metaphysical commitments which cannot be captured simply as elements of comprehensive doctrines. It is also a problem of fitting between comprehensive doctrines and political liberalism more generally. On one hand, it seems that when thinking about them, Rawls imagines comprehensive doctrine as some systematic, complete views that are to provide a general framework, which applies to every questions involving normative matters. Indeed, the model Rawls uses for comprehensive doctrines are Mill's and Kant's versions of liberalism, which after all represent easy candidates for an illustration of an overlapping consensus. But when it comes to a particular disagreement, the real problem may not lie in some general comprehensive account, rather it could be on some fixed points which citizens may not be willing to cross. The point I am trying to make is that Rawls seems to think that offering a general account of how to combine comprehensive doctrines and political values will provide solutions to specific disagreement on issues of basic justice. However, not only such a combination may not be available in reality

among all comprehensive doctrines, but also disagreements cannot be reduced to the conflict of comprehensive doctrines, intended as complete and systematic views.

This is also why Rawls's framework cannot distinguish among different kinds of disagreement in society. It is not only that he holds reasonable pluralism to constitute the main obstacle to achieve stability, but also that his method of reasoning forces him to see only systematic and general views of the good in competition for political supremacy. There is no room for disagreements about justice, for example on the values of liberty and equality, because the target of political liberalism is only that of comprehensive views. Rawls seems to take moral disagreement as the only result of the burdens of judgement. But why should it be? Burdens of judgement may not only apply to questions of morality, but also to questions of justice³².

The relation between comprehensive doctrines and political values seems also problematic on a matter of "size"³³ Indeed, It seems difficult to understand whether Rawls intends political liberalism to be either smaller or larger than comprehensive views citizens are supposed to hold. On a metanormative level, political liberalism, with its commitment to agnosticism, is larger than individuals' accounts of the nature of values because it does not take a stand on the truth of any of them. Political liberalism is larger because it can contain, within its own boundaries, different and competing conceptions of values: both a rational intuitionist and a Kantian constructivist can embrace political liberalism, for political constructivism remains silent on the matter of how the validity of political principles is accepted within a particular conception. On a more substantive level, on the other hand, political liberalism seems smaller than comprehensive doctrines taken individually. Political liberalism is a *module*, an essential constituent part that suits many and different comprehensive doctrines. In this sense, political liberalism is also smaller because it is to be affirmed within a comprehensive doctrine, it represents one of its parts.

These ambiguities show how Rawls's account of political liberalism is problematic in addressing the problem of disagreement. The argument of the burdens of judgement is too contextualized and too simple to engage with those individuals who hold reasoned, coherent, and diverging philosophical arguments, which are at the essence of disagreement. Moreover, the agnosticism defended by political constructivism

³² See, Brower 1994; Caney 1999; Waldron 1999; Quong 2005.

³³ This point is made by Flishuh (2000, 28-30).

generalizes the idea of comprehensive doctrines in the attempt to accommodate them with the political conception of justice. The problem is that disagreement exceeds the idea of conflicting comprehensive doctrines; it cannot be reduced to comprehensive doctrines. In the same manner, citizens' claims and commitments cannot be reduced to fit a reasonable/unreasonable category in virtue of a standard of justification which is assumed from the context, and takes what is justifiable to others as a fixed idea.

In other words, Rawls claims that political liberalism is to apply “the principle of tolerance to philosophy itself” (1985, 231) in providing a framework of reasoning which is tolerant towards other philosophical positions. However, the principle of toleration cannot tolerate the principle of intolerance as much as political liberalism cannot tolerate philosophical views advocating for justice not to be only a political conception and for political justification not to be necessarily public justification. But the very problem of disagreement, considered as separately from the idea of conflicting, general views is an essential philosophical problem which, if not addressed properly, risks to treat citizens unfairly, in coercing them to accept an idea of political justice which cannot provide a consistent defence of its intolerance because of its commitment to agnosticism. The underlying question here concerns whether the principle of mutual respect, which sustains reasonable social cooperation, as Rawls intends it, is really secured by the model of public justification and its advocacy to conform to public reason. The wonder is whether the idea of justice requires mutual respect among citizens in taking seriously their sound reasons and commitments, even when they are controversial and metaphysical³⁴. Rawls intends the “method of avoidance” as an extreme commitment to respect of persons and civic friendship for, by appealing to public reason, citizens defend the criterion of reciprocity, which specifies the nature of political relations as civic friendship. But it is not at all clear why civic friendship should necessary be characterized by avoidance. On the contrary, mutual respect and reciprocity can be considered conditions citizens meet when they address political concerns honestly, providing reasons for their claims, even if their reasons are derived from comprehensive doctrines.

³⁴ I tackle this issue in Chapter 6.

1.5 Conclusions

In this chapter I tried to show the problematic nature not only of the Rawlsian political conception of justice, but also of his philosophical enterprise more generally. I first evaluated Rawls's practical method of inquiry, which requires the avoidance of philosophical questions. I then showed how such method is directly related to what Rawls takes the aims of normative philosophy to be, namely to address specific political problems of societies, in particular democratic ones, in proposing solutions available within the spectrum of practical possibility. According to Rawls, the relevant difference between the politician and the political philosopher is not great: "the politician [...] looks for the next election, the statesman to the next generation, and philosophy to the indefinite future" (1987, 24). Hence, as Kurt Baier notes, the distinguishing character between the three seems "to be only the time frame of their practical aim" (1989, 781). From this point of view, Rawls attempts to tackle the problem of achieving stability for the right reasons, a kind of stability supported by moral reasons a just democratic society should aim to establish. Given this aim, Rawls considers moral disagreement to be the main obstacle to stability and proposes a political conception, free from any controversial philosophical commitment, to do the job. I showed how the strategy of proposing a strictly political conception of justice derives directly from Rawls's practical aim. His "method of avoidance" derives from his willingness to settle an agreement and provide a solution to the fact of reasonable pluralism. Rawls's strategy is to accord to political philosophy only the task of setting a standard of public justification apt to deal with reasonable pluralism. I showed how this attempt is expressed at all three levels of justification Rawls endorses by his embracing of the commitment to do simply without philosophy, intended as a general enterprise. Examining in sequence the ideas of reflective equilibrium, political constructivism, and public reason I attempted to show Rawls's intent to propose a kind of justification for political principles free not only of metaphysics, but also moral epistemology, gaining its resources of objectivity from historical arguments concerning basic ideas shared within the public political culture of a constitutional democracy of the Twentieth-Century.

Finally, I argued that, precisely because of its commitment to agnosticism and the "method of avoidance", Rawls's theory is problematic for three main reasons. The first

one concerns a matter of internal coherence and questions whether a political conception proposing a standard of public justification that cannot claim its rightness can be considered a suitable candidate to deal with disagreement. Second, I argued that, in picturing systematic, general comprehensive doctrines to be accommodated with political values, Rawls misses the point of what may be at stake in actual disagreements, reducing them to differences between general views. I argued this problem is linked with Rawls's understanding of philosophical arguments as religious arguments and of philosophical doctrines as religions, which, according to the liberal tradition, could be confined to the private sphere of individuals. Thirdly, and most importantly for the sake of this entire work, I argued that Rawls's demands on citizens to restrict their argument for political principles to endorse public reason risks to treat them unfairly in not addressing their commitments directly, let them be consistent, non-dogmatic, and reasoned. If a just society is one in which the equality and respect of citizens is defended, a conception of public discussion aimed to take each and everyone's reasons and point of view seriously may look better suited than one in which, for the sake of silencing differences to achieve agreement, controversial commitments are ruled out in virtue of their being controversial.

To conclude, Rawls's strategy to reasonable pluralism is sustained by a willingness to have an impact in real politics, to change citizens' attitudes towards each other and political institutions. In this sense, Rawls takes political philosophy to assume "the role Kant gave to philosophy generally: the defence of a reasonable faith" (Rawls 1993, 172). For Rawls, political philosophy should be greatly concerned with our motivation, as citizens, to construct and support a just society. The idea is that we must think it is possible for a just society to be enacted and that our fellow citizens will agree and comply with its principles in order to be motivated towards its construction and maintenance. If we believe a just society was impossible because our human character is unfriendly in this respect, we would be unable to commit, individually and collectively, to it. Thus, we should be provided with reasons to hold a "reasonable faith" that such a society is a real possibility. This is the reason why showing the real possibility of establishing an overlapping consensus is so important for political liberalism. Only with a "reasonable faith" that justice is possible we can be motivated to realize it. However, if the project of political liberalism is to change individual

attitudes towards the idea of what a just society is and the reason why we should comply with its requirements, it seems that little space can be dedicated to understanding the phenomenon of disagreement. If political philosophy is to be concerned with human motivation to change individual behaviour, it cannot focus on conflicting, controversial matters such as those individuals really and reasonably disagree about. If it is human motivation political philosophy should be concerned with, solutions rather than problems are to be addressed, even at the cost of not understanding the real nature of the problems those very solutions are designed for.

CHAPTER 2

Many reasons, one agreement: Gaus and the task of harmonization

2.0 Introduction

In recent years, Gerald Gaus has put forward an innovative approach to public justification, different from the Rawlsian project in some considerable respects. The distinctive character of Gaus's theory lies in the *convergence* model of public justification he proposes, in opposition to Rawls's *consensus* one. Within a consensus model, political principles and coercive laws are justified if citizens share the same reason R that makes a law reasonable for them. Thus, laws and policies are to be accepted in force of reasons characterized by the property of *shareability* (Vallier 2011). A convergence model, on the contrary, requires only that citizens accept laws and policies for their individual reasons. "If A has a reason R_a that makes the [law] reasonable for him, *and* B has a reason R_b that makes the [law] reasonable for her, then the justification [...] is based on *convergence* [...] from separate points of view" (D'Agostino 1996, p. 30).

Gaus is the most prominent defender of convergence among political theorists sympathetic with the justificatory project and his version of liberalism constitutes the focus of this chapter. My aim is to critically evaluate his proposal by both analysing his idea of convergence as sustainable and convincing and, subsequently, challenging his methodological idea about the task of political philosophy. Indeed, from my point of view, Gaus's theory is problematic not only because of the model it defends and the conception of how citizens should give each other reason in the political context, but also because of his commitment to an eminently practical approach to political philosophy. Given my aim and the general subject of this work, I do not intend to reconstruct Gaus's entire theory, which is complicated and touches upon an extremely

high number of topics and issues. Rather, I shall focus only on those arguments Gaus makes with respect to public justification and his attitude towards political philosophy, to which he assigns the job of making disagreement innocuous within political societies.

In the first section, I present Gaus's justificatory liberalism in relation to Rawls's political liberalism. The idea is to show the similarities and differences characterizing the two approaches in order to uncover the points of strength of Gaus's theory and its general arguments. In section two, I analyse Gaus's account of convergence and justification by first presenting his idea of personal justification, which sustains his account of public justification, and secondly focusing on his model of deliberation, which represents the device to justify moral norms. In section three, I test the cogency and reliability of his picture of moral and political reasoning and present some arguments to resist it. In particular, I attempt to show that Gaus's theory is objectionable not only because its (mildly) idealized model of public justification produces a restricted picture of disagreement and justification, but also because, at the level of practice, it is overdemanding and fosters patronizing attitudes among individuals. Finally, I argue that the argument for the relation between public justification and respect is controversial and that Gaus does not provide a real defence of it. In section four, I analyse and discuss the conception of *social morality* proposed in *The Order of Public Reason*. I take such a conception to be essentially unstable in its resting on a rejection of the distinction between the normative and the descriptive. I argue that such rejection is motivated by certain practical aims Gaus wishes his theory to achieve and, thus, sustained by a certain methodological attitude I reject in section five.

It is important for me to clarify that in what follows, I sometimes use the tag "justificatory liberalism" to refer to Gaus's account of political justification because it is the one he firstly picked to describe his theory. However, in the course of the dissertation I adopt this label to refer more generally to all those positions in contemporary political philosophy displaying a strong justificatory character in claiming that mutual respect requires citizens to enforce only policies and laws justifiable to each member of the political community. In the next chapters, I refer to "justificatory political philosophy" as a certain style in theorizing which assigns priority

to public justification, and I talk about justificatory versions of liberalism to refer to theories that show such a theoretical style. In this sense, it is important for the two meanings not to be confused.

2.1 Justificatory Liberalism vs. Political Liberalism

Even if it is true that Gaus's conception of liberalism is put forward as a response and an alternative to the Rawlsian project, it is important to recognize the fundamental affinities between the two approaches. Gaus is generally sympathetic to Rawls's idea of providing an account of the legitimacy of political authority via public justification. In this sense, Gaus and Rawls share the same normative commitment towards political philosophy for they embrace a philosophical style which is justificatory in character: they are both on a philosophical quest for a normative theory of justification, they are both seeking a theory which may enable them to claim that some set of principles is publicly justified. In this sense, Gaus and Rawls aim at proposing a theory apt to deal with the problem of disagreement in liberal and democratic societies. They both attempt to defend the idea that to justify the enforcement of norms, laws, and policies they need to be formulated in terms *acceptable to all*. Indeed, they both belong to that group of philosophers, prominent in current debates, who employ public justification as the device to provide genuinely good reasons for state actions³⁵, and defend the idea that responsible citizens should discipline their claims when engaged in public discourse, in name of the value of equal respect for persons. Accordingly, both Rawls and Gaus articulate accounts of the sort of reasons that citizens may or may not employ in defending political principles, laws, and norms in an attempt to bracket possible impediments to social harmony and cooperation. On one hand, Rawls's project is to put a constraint on reasons that can be used in public discourse, to establish a rationale of reasons that citizens need to respect in order to achieve stability for the right reasons³⁶. On the other, in his latest

³⁵ Rawls says the reasons for state action concerning constitutional essentials and matters of basic justice must not only be good, but be widely seen to be good by persons such as they are (see, Rawls 1993); Charles Larmore claims that equal respect for another demands "that coercive or political principles be just as justifiable to that person as they are to us (Larmore 1990, p. 349); Jeremy Waldron states that "liberals demand that the social order should in principle be capable of explaining itself at the tribunal of each person's understanding" (Waldron 1987).

³⁶ "The idea of public reason is not a view about special political institutions or policies, Rather, it is a

version, Gaus constructs an account of *social morality*, which represents a theoretical framework for a cooperative and mutually beneficial social life, providing rules citizens are required to act upon because publicly justified.

The commitment to public justification is surely a crucial point where justificatory and political liberalism meet. However, it is not the only connection between the two. Rawls and Gaus share also some methodological points: they both are very clear in their rejection of metaphysics and resistance to investigate questions of metaethics. Indeed, they both share the idea that theories of political morality need to be *robust*³⁷ in order to be inclusive and, therefore, to achieve agreement. In this sense, both political and justificatory liberalisms aim to be supported by a large set of various metaphysical views of the good life and morality, many of which are inconsistent and in contradiction with each other. Rawls seeks to achieve robustness in relation to comprehensive conceptions of the good (1993), and Gaus with respect to realist or anti-realist theories of morality (1996, 6-9; 2011, 278). So, Rawls and Gaus not only converge on a matter of style in political philosophy, but also on a matter of method in seeking to propose a theory that can be justified without references to moral truth. In this sense, the approach the two theories embrace assigns priority to normative theorizing claiming the independence of political philosophy (concerned with the *desideratum* of social harmony) from second-order inquiries.

The last point of proximity between Gaus and Rawls's theories I would like to highlight concerns the scope of their theories. In general, it is possible to note that they both conceive of political philosophy as aiming at shaping some normative "objects" (let them be rules, norms, or principles of justice) apt to enable citizens to live together in cooperative, mutually beneficial social relations. In this sense, they both do not intend to address the whole domain of the normative. Rather, they focus on a particular domain (and a supposedly particular and restricted kind of normativity), which concerns only principle, or rules for political communities.

view about the kinds of reasons on which citizens are to rest their political cases in making their political justifications to one another when they support laws and policies that invoke the coercive power of government" (Rawls 1997, p. 795)

³⁷ "Let us say that theory T1 is robust vis-à-vis T2 to the extent that changes in T2 [...] do not weaken the justification of T1. Robustness is to be contrasted with sensitivity; to the extent that the justification of T1 is affected by changes in T2, T1 is sensitive to T2" (Gaus 1996, p. 6). According to Gaus, *robustness* is related to inclusiveness and neutrality: as long as a theory is robust/neutral, it can be valid despite other theories' theoretical commitments.

Despite these similarities, it is important not to blur the boundaries between justificatory and political liberalisms too far. Although the two theories share some strong commitments and convictions, there are important differences that need to be stressed and discussed in order to understand the character of Gaus's proposal. One of the constants of Rawls's thought is the conviction that "justice is the first virtue of social institutions, as truth is of systems of thought" (Rawls 1971, 3). Accordingly, justice is the supreme virtue of social institutions. This does not mean that it is the only virtue societies must display, but it is crucial to understand that Rawlsian justice applies to institutions. Gaus, on the contrary, is not concerned with social institutions only. Rather, in his latest writings, he claims that a publicly justified social morality is needed to structure social interactions among citizens, and his attempt is to provide a theory of how citizens, throughout rules and practices, are to issue moral demands on each other. In this sense, the focus of such an account is the relation among citizens. Social morality is the framework representing "the basis for issuing demand on others that they must perform certain actions" (Gaus 2011, 6) and involves socially practiced demands and imperatives citizens may claim on each other. In this sense, his object of interest is not political institutions, but what citizens *owe to each other*, to put it in Scanlon's well known formula.

Another important distinction between justificatory and political liberalisms concerns their relation with the practice of justification itself. As seen before, both Rawls and Gaus intend not to take a stand in metaethical inquiry and avoid metaphysical problems. However, Gaus attempts to provide an epistemological account for his theory of public justification. Indeed, the lack of epistemological thickness in political liberalism is one of the crucial critiques presented by Gaus to charge the ambiguities and inefficiencies of Rawls's theory and its *justificatory populism* (Gaus 1996, 131-136)³⁸. To put it roughly, Gaus argues that Rawls's choice of constructing public reasons from the reasons available to reasonable citizens by general rules of reasoning leads him to support principles that do not satisfy even

³⁸ With this label, Gaus follows the traditional distinction between populist and liberal conception of democracy: populist conceptions emphasize that political participation and public deliberation are the means to advance a "general will", whereas liberal conceptions are concerned only with regular electoral tests and the limits of power of public official. For a comprehensive discussion of the distinction, see Riker 1982. Although Gaus's most recent formulation of his theory is distinctly Rousseauian in character, it is nevertheless important to understand Gaus's motivations to reject Rawls's theory.

minimal standards of rational justification. Indeed, Rawls puts forward some idealizing conditions for public justification³⁹ in holding on to the idea that, in order to be justified, a conception of justice needs to be accepted by reasonable citizens only. But – asks Gaus- who are the reasonable citizens? Gaus spots one problem in the fact that the Rawlsian characterization of reasonable people is not epistemic, but eminently practical. Another one is represented by the strong requirement Rawls sets on the kinds of publicly acceptable forms of reasoning. Indeed, Rawls argues that reasonable citizens, in their public justifications, need to rely only on methods of reasoning accessible and acceptable to others, which he identifies in “common sense epistemic norms and practice” (Gaus 1996, 134) and non-controversial, scientific theories about the world. Gaus calls this the *accessibility* condition. Rawlsian public justification leads to principles that are sanctioned by common sense and for this reason are not only accessible to all, but also constitute a plea for agreement. But this, from Gaus's perspective, is undesirable because Rawls thinks he is proposing a minimalist theory of reason, but he ends up securing only inferences that are uncontroversial in a minimal sense, at the cost of leaving aside sound, but complex inferences. Gaus accuses Rawls of being a populist for his acceptance of the accessibility condition which leads him to assume that individuals' beliefs and convictions will be satisfied with common sense when defending principles of justice. Populism here refers to the exclusion of coherent, but controversial reasoning⁴⁰ for the sake of agreement⁴¹. It refers to the requirement of common sense to be endorsed by all and to be used alone in public justification with the consequence of poor epistemological results⁴².

Gaus is certainly right in highlighting how such commitment to populism translates into an epistemological flaw in justification and may leave behind sound beliefs made

³⁹ In the critical section of this chapter, I attempt to show that Gaus is not better off with idealization, though it is a fact that he is critical of Rawls on the basis that he allows too much idealization into his theory (2011, 40).

⁴⁰ Here “controversial” refers to Rawls's usage of the term, namely beliefs which are not sustained by either common sense, or scientific proofs.

⁴¹ Further on in the chapter, I shall argue that the kind of pluralism Gaus admits in his deliberative model is wider than the one Rawls allows, but it is nevertheless limited.

⁴² It may be worth mentioning that Gaus argues in favour of his thesis not only by showing the inconsistencies of Rawls's account, but also by discussing some empirical evidence concerning widely accepted yet flawed methods of inference which would constitute mistakes in probabilistic reasoning, as, for example, the gambler's fallacy. Moreover, citing the work of Deanna Kuhn, he provides empirical evidence for the belief that the burdens of judgment is not part of an accepted conception of reasonableness (Gaus 1996, 131-134).

by citizens. In this sense, Gaus's solution is to invest philosophically on epistemology and reject justification as a merely pragmatic device which cannot generate epistemologically satisfactory principles, but only practical solutions. To put it in Eberle's words, Rawls holds on a "populist conception, according to which a public justification is a rationale that is actually acceptable to the members of the public (suitably construed), [whereas, Gaus holds an] epistemic conception, according to which a public justification is a rationale that has some epistemic desideratum that facilitates the acceptance or interpersonal evaluation of the rationale" (2002, 67). In short, Gaus argues that Rawls asks citizens to solve a problem of epistemic rationality (justification) through a compensation by a practical capacity (reasonableness) and, thus, highlights how Rawls demands of citizens to give priority to their practical commitment to liberalism instead of their individual rational convictions and beliefs. On the contrary, for Gaus, citizens engaging in public justification are to regard their reasons as rationally justified and, in this sense, Rawls and Gaus work with different conceptions of justification.

A related and important critique Gaus raises against Rawls, concerns the distinction between comprehensive doctrines and political conceptions, which is the core argument of political liberalism. The question is: what does characterize "the political"? According to Gaus, Rawls can neither defend an understanding of the political in terms of *freestandingness*, nor as those values that apply to the political structure of societies (Gaus 2003, 180-189). The real problem is that, to achieve and overlapping consensus, an uncontroversial agreement of what "the political" refers to is needed. But agreement on the boundaries of the sphere of application of the political conception of justice simply lacks in a democratic society: those bounds are disputed as much as moral, religious, and philosophical issues. As Gaus shows, without a clear understanding of what the political stands for, the meaning of political liberalism itself seems to dissolve (Gaus 1999).

Analysing the most relevant critiques of Gaus against Rawls's political liberalism is useful to understand the theoretical framework of justificatory liberalism and its point of intervention in the justificatory project. The commitment to the liberal legitimacy quest and the critiques on political liberalism are the starting points for Gaus's convergence model of public justification.

2.2 From the reasons one has to public justification

One of Gaus's merits is recall the importance of rational justification, and of epistemology in general, in dealing with the problem of disagreement in public discourse. Indeed, most contemporary liberals do not pay attention to the question of how a person justifies her beliefs, and start off from the problem of how one may justify her claims publicly. But how a person justifies her beliefs to others in public is a problem that cannot be totally separated from how a person justifies her beliefs to herself. The point is to understand what takes a person to have a reason to do (act or believe) something. In accordance with his commitment not to touch upon metaphysical inquiry, Gaus puts his foot down in claiming that, from his point of view, most contemporary philosophical debates about reasons are sterile because what is really crucial is not the status of *what reasons there are*. On the contrary, the real and important concern here is *what reasons people can be said to have* (Gaus 2011, 233). The important thing for Gaus is that one cannot have reasons that are inaccessible to her. To reject the "externalist account of having a reason", Gaus argues that if it is true that reasons are independent of the subject, it is also true that Aristotle had a reason to embrace particle physics because particle physics is true. However, Gaus argues, it seems difficult to think that Aristotle had such a reason, for he lacked the rationale of particle physics which was yet to be discovered when he was writing about physics (2011, 233-235). Gaus's idea reflects Rescher's consideration that "rationality is a matter of seeking to do the very best we can (realistically) manage to do in the circumstances [for] rationality does not make demands beyond the limits of what is genuinely possible for us – it does not require accomplishments beyond the limits of the possible" (Rescher 1988, 6-8). In this sense, reasons need to be accessible to individuals, and when we interact with each other we need to keep in mind the relation between a subject and the reasons she can possibly have. This is so because, to interact, individuals need to make their reasons intelligible to each other, and in understanding and ascribing reasons to others, the set of one's accessible and possible reasons needs to be clear.

Gaus's rejects externalism about having a reason on the grounds that it subverts the relation between one's reasons and her deliberation and "misconstrues the relation between having a reason and being a rational agent" (2011, 233). On his

account, a person cannot have a reason that it is not accessible to her and, thus, that does not belong to her particular evaluative standpoint, or in contrast with her system of beliefs. Indeed, reasons are not facts about the world, but considerations that deeply depend on a person's perspective. Even if we were perfectly rational individuals, some sort of epistemic *Hercules*, having the highest power of reasoning, we would "start somewhere" (Gaus 2011, 239). Thus, starting from different set of beliefs, individuals end up having very different sort of reasons. In his first formulation, Gaus explicitly admits to be committed to what he calls "relativism of reasons" (1996, 38). Indeed, since different persons may have (as often happens) different initial beliefs, given their different perceptual and cognitive experiences, it is possible for one to have a reason to believe a certain proposition in force of her system of beliefs, and not for another, whose system of beliefs is different. The idea is that everyone has a sort of fund of experience and beliefs constituted by what she currently holds⁴³, from which to start understanding what reasons one has. In this sense, justification is perspectival and one's reasons depend on her own point of view. Epistemically, we being from where we are and any process of epistemic improvement can only operate on the material of our initial set of beliefs. So, individuals end up with different conclusions because, despite the fact that they may employ the same logical operations and epistemic functions, they start off with different evaluative standpoints⁴⁴.

However, to understand whether one has a reason, "we need some concept to indicate when a person's reasoning about the world is up to acceptable standard and when it is not" (Gaus 2011, 247). Following Pollok, Gaus argues that what ultimately

⁴³ With regards to starting points and the formation of systems of beliefs, Gaus contents that certain beliefs are "spontaneously self justified". Embracing a sort of "weak foundationalism", he argues that a belief that one possesses in a determinate moment is justified, to some low degree, simply in force of the fact that she possesses it at that determinate moment. His idea is that the fact that the degree of justification is weak renders it possible to easily challenge and change one's beliefs, but at the same time self-justification is sufficient to constitute an epistemic resource (Gaus 1996, 86-97).

⁴⁴ It is important to note that Gaus's relativism of reasons does not all the way down. He argues that empirical evidence drawing from psychology and anthropology demonstrates that systems of beliefs do not differ to such an extent that one is not able to recognize others' systems as rational (Gaus 1996, 47-49). This fact that there are widespread shared norms of inference as well as beliefs permits not only for individuals to understand each other, but also to exclude those systems of beliefs that are not comprehensible. "The very possibility of mutual intelligibility sets a limit to the extent to which we can understand others as employing cognitive processes different from our own" (Gaus 1996, 49) and, in accordance, relativism of reasons is restricted. This is a controversial point and I critically address it in the next paragraph.

matters in terms of interpersonal justification is whether a reason is warranted, namely whether a person does not envisage any defeat for her reason that are accessible to her. This move is closely related to Gaus's previous idea of open justification. "The core idea of open justification is that, at any given time, a justified belief system is, ideally, stable in the face of acute and sustained criticism by others and of new information" (Gaus 1996, 31). This means that when engaged in the process of moral reasoning, individuals ask themselves whether there are considerations counting against their reasons. If such substantive criticism succeeds, new considerations inevitably call for a revision in viewpoint and, thus, to revise the set of beliefs they can coherently have. Open justification requires one to ask herself whether having her reasons subjected to extensive criticisms and additional information would commit her to change her system of beliefs. It is important to note that it does not matter whether after the process of open justification a person actually changes her beliefs. Accordingly, Gaus suggests that a person "has a (provisionally) sufficient reason R if and only if a 'respectable amount' of good reasoning by [her] would conclude that R is an undefeated reason (to act or to believe)"⁴⁵ (201, 250).

Gaus embraces this picture of reasons and justification to show that it is perfectly possible for two individuals to have reasons that are incompatible with each other and to disagree accordingly. Disagreement, on Gaus's view, is explained by relativism of reasons, which is a natural consequence of his idea of open justification and reasons as connections within systems of beliefs. Given relativism of reasons, a particular proposition may be justified from Bill's perspective and not in Jill's. It is important to understand that to recognize that one does not have a reason that another has does not imply a requirement to assume an impartial perspective. If Bill and Jill disagree about a certain matter because of their different perspectives, and recognize that one has a reason whereas the other lacks it, they are not committed to judging the other's evaluative standpoint to be as good as their own. To recognize how others may be

⁴⁵ As Gaus acknowledges, what counts as a respectable amount of good reasoning is vague and seems difficult to understand. Not to mention that it is an idea that vary with respect to context: a respectable amount of good reasoning in a physics seminar is not the same as a respectable amount of good reasoning for a baseball umpire (Gaus 2011 254). However, since the practice of "morality is not an esoteric game of philosophers" (Gaus 2011, 255), it is plausible to think that normal adults should be able to grasp its rules.

differently justified does not translate into putting everyone on a par: “if one system of beliefs is closely justified, and one reflects on (what one considers to be) appropriate standards of evidence, the soundest inferential rules, and so on, one must conclude that it is one’s own system” (Gaus 1996, 46). In this sense, partiality to one’s system of beliefs is natural and inevitable. We simply cannot do without the first person standpoint (Gaus 2011, 225-226). However, being partial does not mean that one cannot take a step back, make a decentring move, judge reasons in relation to different evaluative standpoints and, thus, recognize that what may constitute a reason for one need not to constitute a reason for others. As long as systems of beliefs are accessible, it is possible to evaluate and recognize if a reason is justified to others or not.

Gaus’s account of having a reason is important because, as it is not difficult to see, it represents the foundation for his convergence model of public justification. It is precisely on the idea of decentring, which Gaus calls “epistemic objectivity” (1996, 119), that the distinction between personal and public reason is built on. The idea is that, since the fact that one can be personally justified (given her system of beliefs) in having a reason does not imply that others are also justified in having that same reason, a sort of “epistemic tolerance” is required. If Bill recognizes that Jill does not have a reason to accept his claim because of her evaluative standpoint, he cannot criticize Jill of being epistemically defective. Despite his conviction that his system of beliefs is better, he cannot dismiss hers by considering it wrong. The point is that individuals can engage and address arguments to each other because they can provide reasons that are justified to those others. Indeed, this is what public justification is about.

Gaus contends that public justification is particularly important because morality is a system of demands and requirements that individuals issue over each other. According to Gaus, to issue a moral demand on someone who does not have a reason to accept it is inevitably wrong and authoritarian. In issuing a moral demand to another, one must be able to claim that there is a reason for the other person to accept and embrace that demand. Indeed, to make an appropriate moral demand is not to browbeat others by insisting that they do or believe something they do not have reasons to accept, but to provide a public justification for it (Gaus 1996, 123-129). This is so because of some features that concern the status of moral persons as free and

equal. The idea of moral freedom is understood by Gaus as intertwined with that of moral autonomy in the sense that a moral person is one who acts in accordance with her own reasons about morality, one who is guided by reasons she has chosen on her own. Moral freedom is the condition making individuals competent interpreters of morality for it requires one's own reflections on its demands. This is also the reason why freedom and equality are essentially connected for moral freedom makes individuals *equal* interpreters of morality, and provides equal standing in judging among moral requirements and demands. Of course, this does not mean that any competent moral agent is also a good interpreter. Rather, it means that (almost)⁴⁶ all individuals are equal in having authority to interpret moral obligations. The corollary of this premise is a constraint on how we are to issue moral claims on each other. "To conceive of another as free and equal is simply to acknowledge a fundamental constraint on justification" (Gaus 2011, 9). Such an argument hinges on the idea, widely embedded in the liberal tradition, that there exists a *presumption in favour of liberty* (Mill 1848; Feinberg 1984; Rawls 2003), which states that liberty should be the norm, and respect for individuals as free and equal requires that coercion always needs some special justification and, thus, that unjustified coercion is wrong (Gaus and Vallier 2009, 53). It is precisely the nature of moral demand in its relation with the liberty of others that provides grounds for restrictions and limitations on the way individuals make claims over each other and, in turn, it requires public justification⁴⁷.

Alongside the other theorists in the tradition, Gaus uses this idea of public justification in the social and political context to solve the problem of how to harmonize individuals' freedom in society. However, his concern is not with political authority and political obligation only. Rather, his point is that individuals in their relations with each other can issue demands that are in tension with individual liberty too. Thus, also the rules that individuals are required to act upon and that need to ground their demands over each other are not to be in tension with their freedom. Such rules constitute what Gaus calls, in his latest formulation, "social morality"⁴⁸ (2011, 2). Indeed, his theory of public justification is a device to answer one central

⁴⁶ Gaus excludes, for example, children and psychopaths as competent interpreters of morality (2011, 209-211).

⁴⁷ This supposed connection between respect and public justification is one of the points of criticism I draw in the next paragraph.

⁴⁸ In the fourth section of this chapter I specifically analyse the concept of social morality.

question he is concerned about: “can the authority of social morality be reconciled with our status as free and equal moral persons in a world characterized by deep and pervasive yet reasonable disagreements about the standards by which to evaluate the justifiability of claims to moral authority?” (Gaus 2011, xv). The problem is that, given the variety of systems of beliefs, there may be disagreement over the rules of social morality and this may generate some form of authoritarianism. Since authoritarianism is wrong, it is necessary to understand whether there exists a set of rules of social morality publicly justified to all moral persons (or a realistically idealized versions of them, that Gaus calls “Members of the public”) apt to be authoritative towards all. This is Gaus’s goal: to show that there are some rules that everyone has reason to endorse from her own evaluative standpoint. If convergence can be secured on a set of rules, a social morality free from authoritarianism and respectful of individuals’ freedom can be established.

To achieve convergence, Gaus proposes the “Basic principle of Public Justification”, which states that “a moral imperative “ ϕ !” in context C, based on rule L, is an authoritative requirement of social morality only if each normal moral agent has sufficient reasons to (a) internalize rule L, (b) hold that L requires ϕ -type acts in circumstances C and (c) moral agents generally conform to L” (2011, 263). Moreover, to see what rules of social morality may pass the test of public justification, Gaus sets up a “Deliberative Model”, which somehow resembles Rawls’s original position. However, the two theoretical devices substantially diverge with respect to the fact that the parties in the original position, under the veil of ignorance, *bargain* over the best *principles* of justice, whereas in the deliberative model, Members of the Public deliberate about the *rules* of social morality. On Gaus’s account, Members of the Public propose, accept, reject, and essentially evaluate whether the rules of social morality are publicly justifiable on the basis of some general formal constraints⁴⁹ and of each one’s system of beliefs. If a rule cannot be accepted and internalized because it does not fit into a Member of the Public’s evaluative standpoint, it cannot be

⁴⁹ In order for proposed rules to count as moral, they need to satisfy certain conditions: they need to be proposed by using general descriptions; they need to be subjected to a weak publicity requirement; they need to be designed to avoid disagreement and conflicts about what it is to be done; they need to obligate compliance; they need to be subjected to a universalization requirement; and they need not to undermine the good of other Members of the Public (Gaus 2011, 294-303).

considered publicly justified. Indeed, agreement among Members of the Public on a specific rule proves that it is publicly justified and therefore that it is not authoritarian.

2.3 The difficulty of Convergence

Now that the idea of public justification and the deliberative model Gaus's proposes are spelled out, I shall put forward some worries about his account of convergence, both at the level of theory and at that of practice.

A first concern about the theory has to do with the introduction of a certain level of idealization in the characterization of the participants in the deliberative model as Members of the Public. Rules of social morality pass the test of public justification if Members of the Public have sufficient reason (though not the same one) to endorse them. Gaus imagines Members of the Public as moderately idealized counterparts of the real people to whom the rules of social morality apply, and they are "not so idealized that their reasoning is inaccessible to their real-world counterparts" (Gaus 2011, 276). The point for Gaus is that to overidealize the model of public justification is counterproductive because it runs the risk of rendering the rules of social morality impossible to understand to real individuals and in this sense irrelevant to the project of securing an order of public reason. Indeed, Gaus criticizes Rawls by arguing that his theory of political liberalism relies too heavily on idealization and misses the point about real people and actual problems (2011, 323). Thus, he opts only for a mild form of idealization in order to achieve a realistic picture of public justification. However, it is important to understand whether such a mild idealization can be considered an acceptable move.

One of the problem with Gaus's strategy is one Rawls somehow shares and it is particularly relevant for the problem of disagreement. As they are characterized, Members of the Public have different evaluative standpoints because they are only mildly idealised. Since Gaus wants to work within a realistic level of idealization, among Members of the Public, there is a wide range of rational disagreement: since they differ in their moral reasoning and systems of beliefs, "the fact of [...] pluralism [...] must be the core of a realistic deliberative model" (Gaus 2011, 277). The problem is to understand to what extent Members of the Public can differ in their evaluative standards. Can the pluralism about their systems of beliefs be so wide that all possible

evaluative standards, including maybe those that value torturing children for fun, are represented among Members of the Public? Gaus says that this cannot be the case because some limits on evaluative standpoints are set by the fact that public justification regards morality and how to treat others as free and equals by issuing appropriate moral demands on them and respecting their autonomy. So, Gaus argues that it is plausible to think that there is “mutually intelligible evaluative pluralism” among Members of the Public and not “radical pluralism” (2011, 279). The point is that there are certain evaluative standards that are not intelligible to others because they transgress the boundaries of the “common human horizon”. Individuals, whose evaluative standards are not intelligible, “cannot be committed to the moral enterprise” (Gaus 2011, 282) and thus cannot treat others as free and equal and, for this reason, it is impossible to have with them those relations that are at the core of the deliberative model.

The problem with this characterization has to do with the fact that intelligibility so understood ends up being more than it suggests. Indeed, the term intelligibility seems to denote a reference to understanding: something is intelligible because it is comprehensible. However, Gaus employs such term to exclude all those evaluative standpoints that are perfectly understandable, though morally objectionable. Indeed, his idea of mutual intelligibility rests on the assumption that Members of the Public need to be able to see the evaluative standpoint of others as “capable of providing reasons for evaluating moral rules” (Gaus 2011, 280). But this is problematic because if the point of the deliberative model is to understand what rules pass the test of public justification and thus are moral, it is not clear how evaluative standpoints not capable of providing reasons for evaluating moral rules should be identified⁵⁰. Moreover, if to be excluded from the model of deliberation are all those evaluative standpoints which cannot provide reasons for evaluating moral rules, this imply that public justification concerns only a part of the possible evaluative standpoints. But this is in contrast with Gaus’s idea that it is wrong to subject someone to rules she does not have reason to endorse. If the rules of social morality are those justified among Members of the Public as defined by the intelligibility condition, it might well be the case that they are

⁵⁰ Maybe only with reference to the controversial notion of *absolute morality* Gaus employs to refer to principles that correspond to general, independent, and universal human interest (2011, 180). I discuss in details Gaus’s usage of absolute morality in the next section of this chapter.

to be imposed also on individuals whose systems of beliefs were not represented in the idealized deliberative model and may not have reason to endorse those very rules⁵¹.

The notion of intelligibility is much thicker than Gaus would like to admit and, in the end, his move does not seem so different from Rawls's strategy with the reasonable. Indeed, Gaus draws a line to form the group of the Members of the Public that extends way beyond what may not be possible to understand. In this sense, similarly to Rawls, the kind of disagreement about the rules of social morality that Gaus takes to be of relevance is in some sense qualified: on Gaus's account, the kind of disagreement that the deliberative model needs to accommodate is reasonable in a substantial sense for disagreement among Members of the Public is restricted by the mutual intelligibility requirement. And, as in the case of Rawls, this move is problematic because restricting the problem of disagreement to reasonable disagreement is not very helpful with respect to the theoretical commitment of finding a publicly justified social morality, which Gaus sets as his goal. And it is of not much help for him to invoke empirical research showing that "the main source of our disagreements is not about *what* is valuable, but about what is *more* valuable" (2011, 280). In the end, although he heavily criticizes Rawls's reliance on the notion of reasonableness, Gaus is not better off with his mutually intelligibility requirement. As a general remark, political philosophers need to be cautious because, as Enoch notes, idealization cannot be theoretically employed with nonchalance for, if it is in contrast with the motivations upon which their theory is based, it ends up being a mere ad hoc move (2005; 2013).

So, although convergence at first glance may seem to respect pluralism more strongly than consensus theories by admitting a wide range of reasons in public justification, Gaus's theory runs in the same problems Rawls's has with regard to the restriction of disagreement. However, convergence is problematic also on the level of practice. First, Gaus's account is precarious with respect to demandingness. Indeed, it seems that his account of public justification turns out to be extremely demanding even with regards to idealized Member of the Public, who are supposed to be counterparts of normal moral agents. Some critics argue that Rawls's account of public reason is too demanding because it assumes that actual reasonable citizens must all

⁵¹ For this argument, I draw on Enoch's discussion of the condition of idealization in Gaus's theory (2013, 164-170).

endorse a given political decision for the very same reason (Bonham 1997). Gaus rejects the same reason thesis, but his convergence account of public justification may seem nonetheless similarly too demanding in its request for citizens to accept that the endorsement of a certain rule by others is secured by a reason they cannot consider valid. In public justification, individuals justify the endorsement of certain moral rules to their fellows by appealing to reasons they themselves consider non valid for the justification of moral demands. But, how could be of any justificatory force a reason considered non valid by the person appealing to it? Although it might not be too demanding for practical purposes to accept that certain rules are justified to others by reasons one cannot accept, to request that individuals appeal to reasons valid on the others' perspective when justifying rules needs to be. It seems odd to hold that if Bill believes that torture is wrong because causing someone's suffering is always wrong, and he wants to justify such a rule to Jill, who holds a strong faith in God, he needs to resort to the reason that torture is incompatible with God's commend. If Bill believes that God does not exist, appealing to such an argument is extremely demanding with respect to him. Members of the public seem to suffer from a form of schizophrenia: on one hand, they have their reasons, consistent with their elaborated and complex evaluative standpoints, but, on the other, when engaging in public justification, they appeal to reasons they do not recognize as valid for them, just for the sake of securing the agreement on the norm.

This leads to a second problem with respect to convergence, which I spot in a sort of opportunism it fosters in order to achieve a practical outcome. As already noted, in Gaus's theory, pluralism and disagreement are explained by the fact that, given the variety of systems of beliefs, individuals have different, and maybe incompatible reasons. In this sense, as long as one's reasons are coherently linked with her set of beliefs, reasons cannot be questioned: as long as they are justified within the person's own evaluative standpoint, they cannot be dismissed, though others can consider such a standpoint wrong. Indeed, to objectively evaluate the reasons others have, it is not to assume an impartial point of view. However, it seems strange that if Bill and Jill agree on X for different reasons, they are really taking the other seriously in public justification. Let us imagine that Bill has a set of beliefs (a), whereas Jill has a different set of beliefs (b), thus in justifying X Bill can only appeal to (b) when discussing with Jill.

It seems that, in order to secure the justification of X, Bill needs to be ready not to advance any of his commitments (a), which he regards as valid, and to use non valid, from his point of view, arguments to convince Jill of the justification of X. In such circumstance, it seems that Bill is not respecting Jill as a valid interlocutor for he is dismissing what he believes for the sake of reaching an agreement. As long as Jill agrees to X, she can think almost what she wants. This seems odd. Consider Bill, who is a biologist and thinks evolutionary theory explains how life on Earth originated, that is through a random case of natural selection. Jill, on the other hand, is a religious, open minded person. She agrees with Bill that evolutionary theory explains how life on Earth originated, but she thinks natural selection is not random, but the product of God. If Bill and Jill would have to publicly justify evolutionary theory, they would succeed. However, it is not at all clear whether, from Bill's perspective, Jill's position is justified at all. Maybe he has no knock-down argument to show Jill that natural selection is random, but it seems that if he does not try convince her that the natural world is Godfree, he is not treating her as an equal, he is not respecting her in her rational capacity to understand what he takes reality to be. It seems that Bill is to think that Jill is basing her belief on a childish reason, but nevertheless accepts to agree on the rule for the sake of securing it. The trouble here is that a convergence model of public justification seem to stimulate a patronizing attitude among deliberators by encouraging them to treat each other in a condescending manner. If the focus of Gaus's theory is the relations among individuals and the way they issue moral demands and imperatives over each other, this cannot be considered a great achievement.

Finally, Gaus's argument for the principle of public justification being grounded by concerns of respect for persons is problematic and not convincing. It is important to stress that this is not only Gaus's problem. All theorists of public justification make it the case for respect to trigger requirements for disciplining the exchange of reasons in a certain manner, but they do not provide strong arguments for such a relation and mostly rely on a sort of intuitive power for the claim that respect requires public justification. I tackle the general problem of respect in public discourse in the last chapter of this dissertation. For now, my aim is only to show that, on this matter, the specific argument Gaus provides is flawed.

Recall that Gaus is concerned with the problem of reconciling the authority of social morality with the freedom of individuals and his move to solve this problem is to argue that a social morality can be publicly justified by showing that everyone has sufficient reason, from her own point of view, to endorse its rules. Moreover, since social morality concerns the rules that regulate the moral practices by which individuals issue imperatives and make moral demands over each other, it is important to understand where claims to authority come from. Gaus's argument with respect to this question may be summarized as follows:

(1) Moral persons enjoy the status of free and equal because they act according to their reasoning about the demands of morality.

(2) Moral persons are all equally authoritative (though not equally good) interpreters of the demands of morality.

(3) Accordingly, one cannot appeal to the authority of her own private judgment over those of others in issuing moral demands because this would be objectionably authoritarian in disrespecting others as equal interpreters of morality.

(4) Individuals need to acknowledge a fundamental constraint on the justification of claims to moral authority over others and, when issuing moral demands over each other, they ought to provide reasons others can accept (from their own perspective).

(5) A social morality cannot be authoritarian and needs to be publicly justified in order to respect moral persons as free and equal.

The problem with this characterization lies in the fact that there is nothing evident or straightforward in drawing (4) from (3) and it is not all clear why constraints on justification should be considered an instance of respect. There are two distinct worries that are of concern here. Gaus stipulates that, as he understands it, "to conceive of another as a free and equal moral person is *simply* to acknowledge a fundamental constraint on the justification to moral authority over her" (2011, 17 italics mine). But this is not an argument for showing that respect indeed triggers particular constraints on justification such as those he wishes to secure for his convergence model. Indeed, it seems that Gaus is relying on some spontaneous insight about the nature of respect, but failing to provide any argument to prove that such an insight is actually worth relying on renders his move undefended. Since there are different conceptions of what it means to treat others with respect (Hampton 1989;

Eberle 2002; Stout 2004; Weithman 2004), Gaus needs to show that his conception is the correct one and that it is really the case that respect commends public justification. Given that he does not provide such an argument, his grounding for public justification disappears. And this cannot help to be an undesirable result for a theory whose main goal is to provide a social morality apt to provide an order of public reason, namely a set of rules that are publicly justified.

Gaus's argument is problematic not only with regard to the structure of his theory and its theoretical consistency, but also to a sort of overlapping between authoritarianism and disrespect. According to Gaus, to respect one as a free and equal moral person is to acknowledge a constraint on justification and to resist the temptation to subject others to her private judgment; whereas being authoritarian amounts to disrespect others by imposing norms on them which they do not have reason to endorse. In this sense, authoritarianism is the original sin of political philosophy, or better it constitutes the *summum malum* political philosophers should attempt to eradicate. And, thus, Gaus's target appears to be those "enlightened" moralists [who] hold up their 'right reasoning' about morality as the standard that warrants their demands about how others should live" (2011, 16). However, the problem with this idea of authoritarianism concerns a misunderstanding about justification. Indeed, Gaus is right when he says that there is something deeply objectionable and wrong in subjecting others on the basis that one believes certain things. Of course, the mere fact that one believes something cannot function as a basis for justification. However, this is not precisely what is going on when two individuals disagree over a particular matter. In such a situation individuals demand each other to comply with determinate rules not because they believe they should comply, but because things are such that they should comply. The justification provided for compliance does not rest on what is believed by an agent, but on those features of the circumstance that make it the case for compliance (Raz 1998; Enoch 2013). Consider Bill and Jill who disagree about vegetarianism. Bill defends the idea that killing animals for alimentary purposes should be outlawed, whereas Jill disagrees. The important point to elucidate is that Bill does not condemn animals' killing on the basis that he believes so. Rather he is condemning animals' killing because it is wrong (maybe in force of their capacity to feel pain), as he believes. Of course, Gaus's

moralist, who self-appoints validity to his own thinking, is objectionable and authoritarian, but Bill is not. There is nothing disrespectful about his argument for he is not claiming that killing animals is wrong because he believes so, but because it is the case that it is wrong. The problem with Gaus's characterization, and with public justification in general, is that although it is undeniable that subjection to certain norms of rules needs justification, this does not mean that subjection should be justified with reasons endorsable from others' point of view. Since there is nothing authoritarian about issuing a certain demand on the basis that it is the case, not to abide by the rules of public justification is not by itself disrespectful.

I take it that Gaus's misunderstanding has to do with his target: in thinking about public justification and the relations among individuals, he has in mind real authoritarian persons, who provide no arguments for their claims except their own acceptance⁵². However, if real authoritarian individuals are what is really of Gaus's concern, it seems not only that he has constructed some sort of straw man to scare his readers about not having public justification, but also that his theory is misguided.

2.4 What is social morality and can Gaus have it all?

As already noted, Gaus's focus is on citizens' modes of relation and his concern is with authoritarianism, namely to block the possibility of citizens to browbeat others by demanding them to comply with norms they have no reason to accept. To solve this problem, a publicly justified social morality is needed apt to secure an order of public reason in which it is possible to share a cooperative social order in terms of moral freedom and equality. But what is social morality? In Gaus's words, social morality is "the set of social-moral rules that require or prohibit action, and so ground moral imperatives that we direct to each other to engage in, or refrain from, certain lines of conduct" (2011, 2). With this characterization, Gaus intends to highlight and identify a sort of new space within the normative domain left hidden when a strong distinction between the private and the political is accepted. In contrast with such sharp polarity, Gaus invites his readers to think that between these two areas there is a normatively relevant sphere, which nonetheless represents only one aspect of morality for "much

⁵² This is a common problema among theorists within the public justification field, who frequently use this kind of rethoric to foster their ideals for public discourse. I return to this point in Chapter 6.

of what [is called] 'ethics' [...] lies outside social morality" (2011, 2). In this sense, social morality refers to that part of morality that is actually practiced in society when individuals make moral demands and issue prescriptions over each other. This seems to explain the equivocal form in which the rules of social morality are defined: "social-moral". On a first reading, it might seem that the social-moral rules that belong to social morality are simply moral rules that apply to social interactions, it refers to moral prescriptions meant to target that peculiar space between the private and the political. However, things are not so straightforward for Gaus explicitly states that moral rules are a subset of social rules (2011, 102, 124 fn 51, 125, 165, 172, 298) and, therefore, social-moral rules cannot be only moral rules that organize social interaction. What is the nature of social morality and how should social-moral rules be conceived then? The answer to these questions is not easy, especially because it is not clear whether the rules of social morality are social, in the sense of being actual and contingent norms that can be positively assessed, or normative, namely responsive to moral standards, whatever nature they may have. Here, a riddle arise for it seems plausible to think that rules of social morality need to be either normative or positive, if the two levels are not confused. The difficulty in dissolving this riddle has to do with the fact that, according to Gaus, there is no riddle: social morality is both positive and normative. So, the questions I am here concerned with are whether there is a riddle in the first place and, if this is the case, whether Gaus can eschew it.

According to Gaus, the rules of social morality need to meet two criteria: the condition of justification (i) and the condition of minimal effectiveness (ii) (2011, 164). The former requires moral rules to be somehow impartial, passing the test of being accepted by free and equal moral persons; the latter, on the other hand, states that moral rules need to exist already in a society and to order some degree of compliance with their prescriptions among a significant number of individuals. Thus, to serve the purpose of practice, moral rules need to be not only relevant, but also actually internalized and in use: "crucial to social rules performing their function is that there is a sufficient number of people following them such that the benefits of reciprocity are achieved" (Gaus 2011, 166). Given this characterization, it seems that the rules of social morality can be understood as those rules, embedded in a society's practical modes, that pass the moral test. On this reading, the rules of social morality are

existing norms that qualify as normative from the moral point of view. There are several passages in which Gaus seems to opt for this interpretation (2011, 176-180, 425, 436-437, 467-468), especially when he sets out his deliberative model designed to evaluate and assess whether social rules and policies qualify as moral. However, some problems remain for if we consider social morality in this way Gaus's emphasis on the *social* character of the rules of social morality seems excessive. Moreover, if it is the moral point of view to set the filter on social rules to check on their morality, the fact that the rules of social morality are actually embedded in the society is totally contingent and relevant only as long as we take them as the object to which the moral standpoint needs to focus. Moreover, as David Enoch points out with a similar argument, on a matter of compliance it does not make much difference if rules of social morality are simply a subset of the true moral rules (2013, 147).

So, although it is certain that Gaus has something of this sort in mind, it also seems that this interpretation does not capture entirely what social morality really is. Gaus wants something more from his account, otherwise his attention on the positive aspect of social morality would be unnecessary and misleading. Moreover, to limit his view in this way would mean not to take into account his outspoken purpose of combining a "Humean" and a "Kantian" approach⁵³ and so proposing an original idea of morality that is both positive and normative: Indeed, Gaus's position is a rejection of the distinction between the realm of sociological description and that of normative prescription⁵⁴. When Gaus writes that "the beginning point of understanding 'true morality' is 'actual morality'" (2011, 102-103) and "our starting point must be what agents think they are doing when they judge and act morally" (2011, 174), but that "we must not give in to the temptation of thinking that the task of philosophical ethics is basically to understand our positive morality" (2011, 177), he is trying to flesh out a new understanding of moral rules in which positive and normative aspects are essentially and inherently hinged. On this account, when engaged in moral theorizing,

⁵³ "The proponents of the broadly 'Kantian' and the broadly 'Humean' approaches typically seek to discredit or dismiss the other. Those who conceive of morality as the demand of reason as specified by members of the realm of ends often simply insist that 'positive morality' (the social morality that people actually follow) should not be confused with justified or 'true' morality, which is revealed by impartial reason. [...] In this book I set out on a reconciliation project of these two traditions" (Gaus 2011, 45).

⁵⁴ It is important to note that Gaus is not alone in aiming at overcoming the descriptive/normative distinction: Putnam's idea that normative and descriptive dimensions of ethical concepts are hopelessly entangled (2002); Searle's critique of the is-ought logical divide (1964, 1995); and Rawls's attempt to develop a *political* conception of justice (1993) represent three prominent examples in this direction.

we should begin from social rules present in our society not because they are just there and represent a good initial material to start with. Rather, the idea is that if philosophical investigation is not incepted by the moral circumstances we are facing in the society we are currently living in, we would end up having nothing apt to help us finding the right answers to the problems that moved philosophical investigation in the first place⁵⁵. Starting from what there is leads the way towards what there should be.

Gaus's attempt to reconcile these two aspects cannot help to be highly problematic because his arguments make the status of positive morality difficult to grasp. In what sense does the observation and consideration of positive morality lead to true morality? The suggestion can be interpreted in two ways. First, it can have an epistemological sense, meaning that we come to know moral principles by studying and observing actual morality. Second, it can have a metaphysical sense, meaning that a society in which there are no social rules that qualify as moral is impossible and thus that social practices *are* somehow normative (Gaus 2011, 179-180). In both cases, for his combinatory argument to work, Gaus needs to embrace an Hegelian flavoured⁵⁶ approach to morality and to have a strong philosophy of history apt to show that human history is a development towards the discovery of moral truth. Indeed, similarly to Gaus, Hegel believes that philosophers who abstract from actuality are hopeless for they can only construct irrelevant theories built on air. According to Hegel, philosophy must start and deal with the real, actual world in the sense of analysing it in order to understand why it is as it is (1821). If Gaus understands the relation between true and positive morality in an epistemological sense, he needs an account of why the study of what there is leads to knowledge of what there ought to be. In this case, a philosophy of history is needed for otherwise the link between positive and true morality and the relation between actual practices and human consciousness are left unexplained. Moreover, on the other hand, if he understands

⁵⁵ "Unless our analysis of 'true morality' connects up with what actual agents see as morality, our philosophical reflections will not address our pretheoretical worries. We come to philosophy worried about the nature of morality, moral relations between free and equal people, and the justification of moral claims. If we develop a philosophical account of morality that [...] is too far distant from our actual moral concepts [it cannot] enlighten us about our initial concerns" (Gaus 2011, 174).

⁵⁶ It is interesting to note that Rawls's attempt to develop a middle-ground meta-theoretical position between normative and descriptive commitments, as proposed in his idea of realistic utopianism (Rawls, 1999), has been charged with similar arguments concerning the need for a Hegelian philosophy of history. For such criticisms, see Kukathas and Pettit 1990, Pasquali 2012.

the relation between true and positive morality in a metaphysical sense, Gaus needs to defend an account of how human evolution is linked with moral evolution⁵⁷. To be able to argue that there is something normative attached to actual social rules, so that it is impossible even to picture a society with no social rules that qualify as moral, it is necessary to have some story about the history and evolution of morality. To clarify, I do not mean to argue that Gaus advances any such account of philosophy of history. Rather, I am arguing that Gaus lacks such a theory and thus his idea of morality as a mixture of positive and true considerations fails.

Interestingly, Gaus seems to be aware of the problem of lacking a Hegelian like story about the development of morality when he introduces the concept of *absolute morality*, in contrast with that of social morality. Following Baier, he argues for the existence of a set of moral convictions holding independently of individuals' understanding of them and irrespective of particular social circumstances. In his words, "although the core tasks that morality performs require that it be embedded in a social order, we must be able to stand back from our social institutions and take *the perspective of what [...] 'morality itself tells us'*" (2011, 180, italics mine). In this surprising passage, Gaus explicitly refers to moral principles that transcend the social order and correspond to general and universal human interests necessary in any conceivable community. With this move Gaus can discharge the problem of lacking a philosophy of history, but he cannot get away with his idea of a combined approach to morality. If morality really works outside the social order, for there is a standpoint where absolute morality can somehow be heard and discovered, there is nothing special about positive morality that can help us understanding what rules should govern social interactions.

This is the riddle I wanted to highlight: Gaus wants to propose an innovative and original understanding of morality by defending a combined approach between Humean and Kantian understanding of it; within such a view, rules of social morality are somehow both positive and moral. However understanding such a precarious

⁵⁷ It is important to stress that Gaus does provide an evolutionary account. However, he does not commit himself to the view that human history represents and evolution to the discovery of moral truths. Rather, he argues for an evolutionary account of social practices: human beings have evolved in the sense of having certain judgments and behaviour, for example, about the fact that social interactions matters and that those failing to follow rules are to be punished. On this point, see Gaus 2011, 101-122. However, an evolutionary account of social practices does not imply an evolutionary account of morality for such an evolutionary story does not say much about the normative status of evolved social practices.

equilibrium between the descriptive and the normative is not easy for it seems that the rules of social morality cannot be both normative and positive. If the rules of social morality are normative because they pass the test of the moral point of view, it is irrelevant whether they are embedded in a society for such an embracement is only contingent. On the other hand, if rules of social morality are those that are actually followed in society, it is not clear in what sense they are moral. The only way out of this riddle would be to endorse some sort of philosophy of history apt to show that human progress corresponds to moral progress. Gaus does not propose any account of this sort and, on the contrary, retains that there is an absolute morality telling us those moral principles that transcend any contingent social circumstances. If my argument is correct, Gaus has a strong moral theory to propose (and even metaphysically thick, despite his intentions⁵⁸), but his project of rejecting the distinction between the level of description and that of prescription fails. Without a philosophy of history, which is a complicated and controversial story to tell, Gaus cannot have it all.

2.5 The Task of Political Philosophy

Why is the riddle there? Why does Gaus want to put forward a precarious and unstable theory of how positive and true morality are so essentially intertwined? The reason of Gaus's choice lies, I think, in how he conceives social morality and his idea of political philosophy in general. Gaus insists so heavily on the positive aspect of social morality, on the fact that its rules need to be embedded and already practiced within a society, because social morality has a task to perform (Gaus 2011, 4-6, 101, 164, 175-176, 297). Gaus explicitly argues that social morality serves a social function⁵⁹: social morality is to structure social interaction for "one of the things morality must do is allow us to live together in cooperative, mutually beneficial, social relations" (2011, 4). Here I am not interested in the question whether morality can indeed have a function. As Gaus himself notes, it might worry some philosophers to talk about morality in terms of the job it needs to perform, for it seems that morality simply exists and it is

⁵⁸ "I do follow [Hare] in putting aside ontological issues about the nature of morality" (Gaus 2011, 14).

⁵⁹ It is important to stress that, although it has a task, on Gaus's understanding, social morality is not merely instrumentally valuable for individuals have reasons to follow it even when it is not to their advantage. On this point, see Gaus 2011, 53-100.

the study of its principles that may play a role in individuals' lives (2011, 176). Rather, my focus is on the reasons why Gaus defends an idea of morality as a performative enterprise, namely as something set to complete an assignment.

As all public reason liberals, Gaus too is moved by the urge of finding solution to *the problem of social harmony* (Eberle 2002, 48-51). The fundamental issue that moves Gaus's entire book, alongside his fellow public reason theorists, is the need to solve the problem of disagreement in order to reconcile authority and liberty in liberal democratic societies. As for Rawls, the idea of political philosophy underlying this project is eminently *practical*⁶⁰. According to this view, political philosophy should not focus on abstract principles, utopian conceptions of justice that could never be implemented, or never-ending philosophical disputes⁶¹ for these are unproductive to the realization and reform of a stable society. Indeed, one of the main themes characterizing Gaus's book is his clear dismissal and rejection of a way of doing political philosophy that aims at uncovering principles and proposing conceptions of justice that are not deeply-rooted in existing social practices or contingent values, but derived from theoretical reasoning. According to Gaus, such an approach is disastrous because fails at taking how individuals relate to each other in society seriously and confers to the political philosopher a sort of religious mandate allowing her to claim what principles are true, in an absolute and eternal sense⁶². As Gaus vigorously states, "a moral theory that refuses to take seriously an analysis of how morality is necessary to secure cooperative human life is academic in the most pejorative sense" (2011, 176). Gaus thinks that philosophers who do not feel the urge of practical results are culpable of not seeing that making cooperation possible is one of the fundamental characteristics of morality and one of the needs of society. Moreover, theorizing about

⁶⁰ "Political philosophy is related to politics because it must be concerned, as moral philosophy need not be, with practical political possibilities" (Rawls 1987, 24).

⁶¹ Consider Gaus's discussion about reasons: he explicitly tries to leave aside metaphysical controversies by invoking a distinction between the existence of reasons ("what reasons are and what reasons there are") and what reasons individuals can be said to have. See Gaus 2011, 233. Although it is dubious that the issue concerning what reasons individuals can be said to have is any less metaphysical than the former, Gaus wants to argue for such a difference in order not to enter metaphysical debates about the nature of reasons.

⁶² "Such a view threatens to transform this indispensable way that humans relate to each other in a cooperative social life into somewhat unpalatable practice of judging others, charging them, and criticizing their actions, employed by the high-minded (or, the priestly) who refuse to acknowledge that the facts of our social life can possibly have a fundamental impact on their perception of how the world ought to be" (2011, 176).

utopias and ideal theories is not only counterproductive, but dangerous. Political philosophy must not even be *aspirational* in Estlund's sense (2008, 267), but needs to be focused on those reforms that a society's contingent circumstances require. Although it might only get a sketchy picture of them, political philosophy should draw some conclusions from its finding to suggest actual public policies (Gaus 2011, 546). If just reforms are to be enacted, ideal theories of justice are to be left off the table.

Gaus draws a harsh picture of political philosophers who do not share his view on the scope and method of the discipline. But he provides no argument to show that those political philosophers who reject his practically engaged approach are really distant from political problems and, more importantly, that their theories are of no practical relevance. Gerald Cohen's fact-insensitivity thesis is certainly the most prominent example of the kind of political philosophy Gaus wishes to criticize⁶³. On Cohen's view, there is a fundamental distinction between what he calls "rules of regulation" and "fundamental principles of justice". The former are considerations about the realization of some principle or value under real, actual circumstances, whereas the latter are independent values that help us evaluating the effect of adopting rules of regulation. In this sense, fundamental principles of justice are neither chosen nor based on facts, but independent of any non-normative consideration. With this thesis, Cohen warns philosophers not to conflate pure normative considerations with contingent junctures and invites them to understand that fundamental principles of justice are necessary in deciding what rules of regulation or policies are to be implemented (Cohen 2008). From this very sketchy and rough presentation of Cohen's argument, there are two important things to note that Gaus seems to miss when discussing the social function of morality and, in turn, the task of political philosophy. First of all, arguing that principles of justice are fact-insensitive and vigorously normative in their being independent of circumstances, or even of what individuals may think or will, does not imply that rules of regulation are irrelevant. Since rules of regulation are a sort of tool to make normative considerations somehow actual by constraining them by the evaluation of their practical possibility, they are crucial for

⁶³ Gaus cites Cohen's work as a paradigmatic negative example of an approach that does not take the necessary social task that morality needs to perform seriously (2011, 176 fn173). Ironically, although in the same passage Gaus labels his theory as fundamentally Rawlsian, the concept of justice underlying his idea of social morality is closer to Cohen's than Rawls's, for his project is not limited to a society's basic structure, but it refers to individuals' relations, choices, and commitments.

the political life of a given society. Stressing a distinction and highlighting a possible confusion between two different orders of considerations does not show that one of the two is insignificant. Therefore, it is not the case that elucidating what justice is entails holding that practical concerns arising from the analysis of actual circumstances are of no interest.

I shall not pursue this point any further for in the next chapter I address specifically the methodological question of what is the appropriate methodological profile for political philosophy and whether inquiry into traditional and genuine philosophical problems may be not only a viable, but also a fruitful approach for political philosophy in general, and for the problem of disagreement in particular. Here, it suffices to say that the discussion of Gaus's unstable idea of social morality shows how problematic an engaged perspective, committed to achieve practical results may be. Moreover, since Gaus does not offer a real argument for his conviction that non practical approaches in political philosophy are catastrophic and because his characterization of political philosophers like Cohen is misleading, the question whether this is the case is still standing in need of an answer.

2.6 Conclusions

In this chapter, I analysed and evaluate Gaus's theory of public justification and the convergence model it sustains. I first compared it with Rawls's account of political liberalism and I attempted to show that despite certain similarities in their views, mainly due to their commitment to the liberal tradition of public justification, Gaus has tried to propose an innovative approach within the field. Indeed, Gaus's idea of justificatory liberalism starts off by criticizing Rawls on many respects, but in particular for his confusion between the epistemic and the practical by requiring citizens to resolve the rational problem of justification throughout the practical capacity of reasonableness, which restrict the pool of justification in an unacceptable manner. In the course of this chapter, I attempted to show that, although Gaus cares about the epistemological aspects of justification and is aware of problems concerning idealizing the conditions of a theory of public justification, he runs into the same difficulties of Rawls. Indeed, his model of deliberation, in which idealized counterparts attempt to achieve public justification, calls for a restriction on the set of persons to whom public

justification applies. And, of course, this is problematic given Gaus's own conviction that moral rules should be justified to all. Moreover, I argued that the convergence model of public justification faces several difficulties also at the level of practice. As I attempted to show, the fact that deliberation is constructed by the interactive exchange of reasons among citizens who are to provide each other with considerations that are not valid to them, but nevertheless are for others is not only over demanding, but it also encourages patronizing attitudes among individuals. Finally, I argue that Gaus's argument for grounding public justification in the notion of respect is flawed.

In the last sections, I considered Gaus's idea of social morality, intended as the set of rules apt to organize how individuals can make moral demands over each other. I claimed that Gaus's characterization of social morality and its rules is intrinsically unstable because it rests on a rejection of the distinction between the normative and the descriptive. I argued that such rejection is motivated by certain practical aims Gaus wishes his theory to achieve. His method and his idea that morality needs to be understood both as the dictate of impartial reasoning and as a social and historical fact come from the need for his theory to perform the task of settling the problem of order. Finally, I introduced the question of whether a non-practical approach, which Gaus vehemently rejects, can be of relevance for the aims of political philosophy. In so doing, I set the stage for the discussion of what methodological profile political philosophy should assume with respect to the problem of disagreement, which is the concern of the next chapter.

CHAPTER 3

A question of method: should political philosophy be done without metaethics?

3.0 Introduction

In the two previous chapters, I critically analysed two of the most prominent accounts of contemporary liberalism committed to public justification as a fundamental device to discuss and enforce laws, policies, and norms in democratic societies. I shall call the approach that gives public justification a central role in political morality “justificatory political philosophy”. Such a label is directly derived from Eberle’s hallmark “justificatory liberalism”, which stands for all those theories connecting respect for citizens with a commitment to restrain in public discourse and, thus, to the requirement of disciplining one’s reasons in search for agreement⁶⁴. In what follows, I shall prefer to use justificatory political philosophy instead of justificatory liberalism because the former seeks to focus specifically on the method of those theories employing public justification substantially, whereas the latter captures only their specific core commitment. Indeed, to talk about justificatory political philosophy is not only to refer to the strategies of public reason, or that of bracketing one’s personal commitments. Rather, justificatory political philosophy is meant to capture the method of avoidance that sustains the ideal of public justification and, in turn, the goals justificatory liberals assign to their theories and their preferred aim for political philosophy in general. The characteristic I am interested in emphasizing is the

⁶⁴ “Justificatory liberals are committed to liberal principles and practices [...] But a commitment to liberal practices and principles isn’t sufficient for commitment to justificatory liberalism. Fundamentally, [justificatory liberals are committed] to the following claim: because each citizen ought to *respect* [italicized in the text] her compatriots, each citizen ought to pursue public justification for her favoured coercive laws” (Eberle 2002, 11).

insistence of theorists of justificatory political philosophy that questions of social harmony are to be answered through embracing a *quietist* attitude, namely avoiding all philosophical questions, because I find it problematic and unsatisfactory.

As I highlighted in the previous chapters, both Rawls and Gaus conceive political philosophy as a quest for *robust* normative theories: political philosophy is to provide justifications for some normative principles apt to achieve agreement among all reasonable citizens, despite their personal, comprehensive commitments. Given such practical picture of political philosophy, both Rawls and Gaus are unfriendly towards traditional philosophical questions, which cannot be answered uncontroversially. If the aim of political theory is to provide a liberal framework of justification and agreement supported by a large set of views about morality and the meaning of life, justificatory political philosophy cannot advance controversial commitments itself. Justificatory political philosophy needs to stay “on the surface, philosophically speaking” (Rawls 1985, 230), and to put “aside ontological issues about the nature of morality” (Gaus 2011, 14). As I tried to show in the previous chapters, it is Rawls’s idea that political philosophy should do without moral philosophy and Gaus’s unsatisfactory approach to moral epistemology which constitute impediments to the understanding of the phenomenon of disagreement, and thus of appropriate means to treat it. Indeed, the hypothesis of the first part of this work is that justificatory political philosophy fails at taking the problem of disagreement seriously because of the specific method it embraces.

In what follows, I tackle the issue of method in political philosophy to address the problem of disagreement. Considering the current debate concerning quietism, my aim is to provide reasons to resist the claim that normative political philosophy should do without metaethics and metanormative understandings. In my view, to understand what a disagreement fundamentally consists of, metaethics is crucial for it is by inquiring into the nature of moral discourse that an object of investigation can be shaped. It is only embracing a certain prospective on the nature of moral claims that disagreement can be understood as a specific phenomenon. My aim is not only to criticize contemporary quietist approach to political philosophy, but also to revitalize the importance of metaethical understanding for normative theorizing. In this sense, I am interested in providing a conception of political philosophy different from the one

embraced by the justificatory project, proposing not only a different methodology, but also a different general aim for research to pursue. Since choosing a methodology within a certain field of inquiry is necessarily intertwined with those goals the theory aims to achieve, in this chapter my spirit⁶⁵ in political philosophy is spelled out.

The discussion proceeds as follows: in the first section of the chapter, I explain and outline the difference between metaethics and normative ethics in a broad sense. The aim of this part is merely explanatory, and reconstructions of the kinds of questions, field of inquiry, and objects of investigation of the two studies are provided. Here, I simply want to outline a brief account of the territories covered by metaethics and normative ethics. In the second and third sections, I consider quietism in ethics as a general view aiming at downplaying the role of metaethics, in particular because of the metaphysical questions it necessarily stirs up. First, I consider what I shall call “local quietism”⁶⁶, namely the position defending the idea that metaethical debates are to be addressed by substantive theorizing only, the idea that metaethical discussions *are* actually normative discussions. On this respect, I focus on Ronald Dworkin’s arguments about moral objectivity and truth. Second, I turn to what I shall call “global quietism”, which refers to the idea that metaethical discussions are useless, as all other traditional philosophical inquiries. This can be understood as a sort of “so what?” attitude towards metaethics and philosophy. The most prominent representative of such approach with respect to political philosophy is Richard Rorty. I consider and evaluate Rorty’s argument for *stopping the debate* (Rorty 1982) about metaethics and I provide some reasons for the importance of metaethics in political philosophy, in particular for the case of disagreement. Finally, the approach I propose for political philosophy is directly linked with a specific aim of normative theorizing and, in the last section of the chapter, I consider different kinds of normative political philosophy and explain the specific approach I embrace, the one I consider best suited to tackle the problem of disagreement. The discussion provides an alternative to justificatory

⁶⁵ By *spirit* I here mean the essential character, inclination, and general aspiration I envisage for my work.

⁶⁶ Nick Zangwill uses the terms “local” and “global” quietism, but in a different sense than the one I employ. According to Zangwill, “local quietism” refers to the situation in which quasi-realism would turn out to be true only in particular areas (for example, the moral domain and the moral domain only), whereas “global quietism” refers to the situation in which quasi-realism would turn out to be true in every area (Zangwill 1992, 175).

political philosophy and is a fundamental clarification for the subsequent discussions in the next chapters of this work.

3.1 What is Metaethics?

When we engage in moral reasoning we try to figure out what ought to be done and what ought to be believed in certain circumstances. To make few examples, morally relevant issues regard whether killing is always wrong, whether pornography should be censored, or whether human beings should not eat other animals. In philosophy, moral issues can be tangled from two different angles and moral questions fall within two different sets. On one hand, there are *first-order questions*, which concern what are the actual right actions to perform in a given situation and why. On the other, there are *second-order questions*, which concern what is actually happening in moral reasoning, what persons are doing when they engage in moral reasoning. The first set of questions refers to the territory of normative ethics, whereas the second refers to the territory of metaethics. To put it with Smith's tone, it is possible to think of normative ethics as a field of inquiry focusing on questions of what is morally required, and metaethics as a field of inquiry focusing on questions about those very questions concerning what is morally required⁶⁷. If the normative philosopher's interest focuses on whether one should behave in such and such way, the metaethicist wills to understand what the word 'should' actually means and how it works. To use an analogy, metaethics is not normative ethics as sport commentators are not athletes and scientists of politics are not politicians.

Normative ethics covers substantive issues about morality trying to figure out what sorts of things are morally important, whereas metaethics focuses on the standards of correct normative reasoning and its inquiries into the metaphysics, epistemology, semantics, and psychology of moral claims. First-order questions are substantive in their aiming at detecting the wrong-making features of certain actions and the moral principles and theories behind them, whereas second-order questions concern what makes a certain principle or theory true. Second-order questions include: 1) questions of meaning regarding the semantic function of moral discourse, whether it is

⁶⁷ "In metaethics, we are concerned not with questions which are the province of normative ethics like 'Should I give to famine relief?' or 'Should I return the wallet I found on the street?' but with questions about questions like these" (Smith 1994, 2).

descriptive or not; 2) questions of metaphysics regarding the existence of moral facts, or properties; 3) questions about the epistemology and justification of moral claims regarding the possibility of moral knowledge; 4) questions about phenomenology regarding the moral experience of agents engaged in moral reasoning and judgment; 5) questions of psychology regarding the connection between moral judgments and the motivation to act accordingly; 6) questions of objectivity regarding the existence of moral truth and the possibility of distinguishing between correct and incorrect moral judgments (Miller 2003, 1-3).

Here, I do not recollect in details the main positions in metaethics. In the second part of this work, considering the phenomenon of disagreement, such positions are to be fully explicated. For now, it is important to understand that, despite their proximity in tackling the moral domain, metaethics and normative ethics are not usually conceived as two necessarily dependent, or intertwined disciplines. On the contrary, traditionally, scholars have been regarding metaethics and normative theory as two autonomous and independent fields of inquiry, with a distinctive relevance each. The idea is that the justification of positions in one domain does not influence the justification of positions in the other. In this sense, non-normative theories are irrelevant to the justification of normative theories and non-normative theories need not to advance any substantive theory to defend their truth. Methodologically, this thesis turns into a strict division of labour: if first-order and second-order moral understandings are independent of each other, philosophers are allowed to pursue normative issues without worrying about metaethical ones and vice versa. To put it with Mackie, “these first order and second order views are not merely distinct but completely independent: one could be a second order moral sceptic without being a first order one, or [...] the other way around” (Mackie 1977, 16). Indeed, it is interesting to note that, although both normative ethics and metaethics are fields of philosophy characterized by massive disagreements, displaying no dominant views (Darwall, Gibbard, and Railton 1992, 115-189), the distinction between first-order and second-order is one upon which almost all theorists agree. In the following sections I attempt to understand whether the idea that the two fields of inquiry are autonomous is persuading. My intent is to explore the relation between first-order and second-

order theories in order to understand how a division of labour between the two fields, if any, is best understood.

3.2 Local quietism

The autonomy thesis, which states that normative theories are independent from changes and developments in other fields, including that of metaethics, may take different forms. For example, Rawls's strategy in advocating for the independence of moral theory claims that normative theorizing is not to touch upon any philosophical disputes and questions (Rawls 1973; 1993). In recent years, to defend the autonomy thesis, some theorists have undermined the distinction between the two fields by claiming that metaethics simply *is* part of normative ethics. The idea is that if metaethics belongs to the field of normative ethics, metaethical debates are to be addressed by substantive theorizing only, and there is no metaethical standpoint from which to judge moral theories. Indeed, on this account, metaethical disputes are actually dealt by engaging in first-order, normative discourse. Prominent examples of such positions are Ronald Dworkin (Dworkin 1996; 2011) and Catherine Korsgaard⁶⁸. I call this position "local quietism".

It is rather difficult to grasp what the word quietism stands for in the philosophical literature because there is no clear and unified picture of such a perspective. Moreover, those who are considered quietists deeply disagree among a variety of philosophical issues, and work within very different traditions and theoretical commitments. For example, Simon Blackburn, Richard Rorty, Ronald Dworkin, John McDowell, Hilary Putnam, and the Positivists share the label of quietists though they differ on how to answer almost all sorts of philosophical problems. In a general sense,

⁶⁸ Since I devote the following section of the paper to challenge Dworkin's argument for it represents the most energetic attempt to dissolve metaethics within the normative domain, I briefly recollect Korsgaard's position here. In her writings, Korsgaard argues for a sharp contrast between theoretical and practical forms of reasoning, which have different kinds of content. On her account, theoretical reasoning purports to describe reality, whether practical reasoning refers to the solution of practical problems. From this division of labour, Korsgaard draws that since metaethics regards itself as a theoretical discipline, it is inevitably misplaced for it cannot belong to the moral domain unless it is regarded as eminently practical. Indeed, moral concepts need to be considered practical and, thus, "there is [no] difference between doing metaethics and doing normative or practical ethics" (Korsgaard 2003, 121). Korsgaard aims at going beyond metaethical debates and argues for an annulment of the first/second-order distinction from a peculiar metaethical point of view, challenging traditional theories, such as realism and expressivism, to defend a particular form of constructivism, which may actually turn out to be a sort of response-dependence realism. On this point, see McPherson 2010, 7-13.

quietism reflects the idea, inspired by Wittgenstein's later disavowal of metaphysics, that "significant metaphysical debate is impossible" (Wright 1992, 202). In ethics, this idea turns into a position that downplays the role of metaethics by claiming it to be unimportant. On my understanding, it is possible to distinguish between different versions of quietism in ethics, in particular between what I call local and global forms of quietism. Indeed, the latter is a general attitude towards the normative relevance of philosophical questions and problems, whereas the former is a particular approach within moral philosophy concerning the relation between normative ethics and metaethics and, in turn, about the goal of normative philosophy. In short, local quietists present a general distrust in metaethical debates, and aim at neutralizing possible metaethical effects on normative theories. As global quietists tackle mainly the discussions about the metaphysics of morality, so local quietists' main critical points concern the realism/antirealism debate.

It is important to note that some of the difficulties the debate about quietism in ethics faces are linked with a lack of clarity in terms' usage. Indeed, local quietists are mostly concerned with the realism/antirealism debate and, thus, their interest focuses on the problem of moral ontology. However, they often talk about "metaphysics" as the target of their critique and, in so doing, they seem to be willing to take part with Rawls in embracing a distinctly antimetaphysical approach, but their claims are meant to point directly against the domain of metaethics. On this matter, it is worth highlighting the ambiguities revolving around the notion of metaphysics. First, metaphysics can be used to pick out the debate about the ontology of morals. Indeed, the realism/antirealism dispute is a metaphysical controversy, for it addresses the sort of reality that underwrites the truth or reasonableness of moral beliefs or attitudes. Since ontology is the study of what entities exist, the moral domain appears as inherently metaphysical in defending or denying the existence of moral entities⁶⁹.

⁶⁹ Ethical naturalism, which is the view that moral properties are actually natural properties, in its reductionist version, can be considered a sort of positivistic reaction to the metaphysical character the ontological debate has been characterized by. Indeed, ethical naturalism is the denial of a distinctive metaphysical area of inquiry in the moral domain. It is interesting to note that naturalism's antimetaphysical attitude is enforced by the idea that moral properties, as natural properties, are empirically discoverable. In this sense, ethical naturalism in its reductionist version opposes metaphysics to observable entities or properties. It is the character of being observable and measured that makes moral properties real and non-metaphysical. However, naturalism is a moral position with a distinctive ontology arguing for the non-existence of a domain outside the physical one, it is a metaphysical belief that there is nothing but natural elements, principles, and relations of the kind studied by the natural

Secondly, metaphysics picks out certain debates and problems concerning the “ultimate truth about things” (Van Inwagen 2009, 4), namely questions about the sort of things that exist in the world, the reason why the world exists, and how human beings fit within the world. To make few examples, the mind-body problem, the problem of free will, and the problem of objectivity are all metaphysical in character. Of course, not only moral problems have a metaphysical dimension, but also some distinctly metaphysical problems are extremely relevant when it comes to ethics: as it morally matters whether human beings are to be considered free or determined, it is also morally significant how we are to conceive personal identity and its relation to individual perspectives on morality, to name few examples. Finally, metaphysical questions are eminently philosophical in their having no uncontroversial answer.

Given such characterization, quietism in general questions the relevance of metaphysics in its different aspects, and in particular the local quietists’ strategy is to show the inconclusiveness of debates about the ontology and truth of morality in order to attack metaethics as an independent field of inquiry, and thus to defend a “metaphysically light” philosophical approach, setting aside questions of truth. In short, local quietists try to prevent metaethics to get in the way of normative ethics by showing how ontological issues in morality are illusory and embracing an anti-metaphysical, practical attitude⁷⁰. In this sense, local quietists can be said to be committed to three main claims: 1) there is no metaethical grounding for normative ethics, thus morality is autonomous; 2) we should give up on ontology and moral theories need to be metaphysically light; 3) moral philosophy is to provide normative judgments and practical solutions to moral problems and moral philosophy should be considered a substantive, normative, and practical enterprise only.

In recent years, Dworkin’s argument about the objectivity of moral claims has represented the core of the debate about the relation between first-order and second-order claims. Despite his desire not to be associated with quietism, “which suggests a dirty secret kept dark” (Dworkin 2011, 25), Dworkin is, in my view, a local quietist for his main claims are not only that metaethics, as traditionally conceived, is irrelevant to

sciences.

⁷⁰ “The live question is not whether moral or ethical judgments can be true, but which are true” (Dworkin 2011, 25); “Practical philosophy is a practical subject. Its business is to work out solutions to practical problems” (Korsgaard 2003, 118).

normative theorizing, but also that metaethics rests on an error in misinterpreting substantive moral claims for metaphysical or philosophical ones. According to Dworkin, metaethics is guilty of yearning to be *Archimedean*, namely to purport to “stand outside a whole body of belief, and to judge it as a whole from premises or attitudes that owe nothing to it” (Dworkin 1996, 88). According to Dworkin, the problem is that all metaethical theories entail some form of scepticism, namely “external scepticism”⁷¹, which risks to threaten the justification of substantive moral claims. For Dworkin, such a diagnosis applies to all metaethical theories, let them be some form of relativism, subjectivism, realism, constructivism, and so on. Indeed, Dworkin claims that it is precisely the essential character of metaethics to lead toward moral scepticism in driving to the idea that it is impossible for us to reach right conclusions when facing moral problems. The conclusion is that metaethics rests on a mistake and, in turn, moral philosophers should stop racking their brains about second-order puzzles and should focus on justification of substantive moral principles and theories instead.

Dworkin’s argument is based on a two-stage test meant to verify the neutrality of supposedly genuine metaethical claims. In this sense, certain propositions are genuinely metaethical, and, thus falls outside the normative set, if and only if they 1) cannot be interpreted or translated into positive moral judgments; 2) can be shown to be philosophically distinct from substantive claims (Dworkin 1996, 97). If these two conditions apply to, at least, one proposition, metaethics is possible and conceivable as a genuine and independent field of inquiry. Of course, Dworkin’s challenge means to show that none of these conditions ever apply to any proposition and, thus, that metaethics is no independent affair. According to Dworkin, to illustrate how the first condition is never met is “easy enough” (Dworkin 1996, 97) for all metaethical claims are mere clarifications, or emphasized restatements of substantive moral judgments.

⁷¹ “Internal scepticism about morality is a first-order, substantive moral judgment. It appeals to more abstract judgments about morality in order to deny that certain more concrete or applied judgments are true. External scepticism, on the contrary, purports to rely entirely on second-order, external statements about morality. [...] The most sophisticated external sceptics rely [...] on metaphysical theses about the kind of entities the universe contains. [...] Internal sceptics cannot be sceptical about morality all the way down because they must assume the truth of some very general moral claim in order to establish their scepticism about other moral claims. [...] External sceptics are sceptical about morality all the way down. They are able to denigrate moral truth, they say, without relying on it” (Dworkin 2011, 31-32). For the purpose of this chapter, whose main focus is on the relation between first-order and second-order theories in political philosophy, I concentrate on Dworkin’s critiques on external, Archimedean scepticism only. For this reason, from now on when I use the term “scepticism” in the text I refer to what Dworkin labels “external scepticism”.

As a result, he holds that the claim “abortion is objectively wrong” simply shows, in a more emphatic and precise manner, the idea that “abortion is wrong”. In a sort of quasi-realist fashion, Dworkin asserts: “people who actually use the adverbs ‘objectively’ and ‘really’ in a moral context do so to clarify the content of their opinions” (Dworkin 1996, 98). This is how he vindicates the non-application of the first condition.

However, for the two-stage argument to be successful, Dworkin needs also to show that apparent genuine metaethical claims are in fact substantive judgments. Here Dworkin attempts to show how metaethical theorists end up with just some normative claims, which falsely simulate a genuinely philosophical form. The key component of Dworkin’s argument is a focus on propositions like the following one: “there is no right answer to the question whether slavery is wrong”. Such a proposition is, for Dworkin, a paradigmatic example of how language may induce us to think that certain propositions are genuinely metaethical when they are not. Accordingly, “there is no right answer to the question whether slavery is wrong” is not metaethical and it does not concern the ontology of morality. Rather, such proposition entails and, thus, is a substantive commitment to an immoral view that may justify slavery. For Dworkin, affirming that there is no right answer to the question whether slavery is wrong implies the possibility to affirm that slavery is not wrong because, if there is no right answer, it can be false that slavery is wrong. Indeed, to affirm that there is no right answer to the question whether slavery is wrong turns into accepting a form of hard-core relativism, or subjectivism of the “anything goes” kind, which permits to affirm both that slavery is wrong, and *also* that slavery is not wrong. The latter conclusion is unacceptable for Dworkin, whose main aim is to vindicate a specific set of values and moral claims. Therefore, his move to disentangle this subjectivist (or sceptical, in his terms) circus is to take metaethics out of the picture. If metaethics simply is a part of normative ethics, the consequences produced by the chain of inference can be rebutted on first-order grounds.

There are three main critiques I shall cast against Dworkin’s argument to show how it cannot perform the job he wishes to. The first problem is simple and straightforward and concerns the very possibility of criticizing metaethics without taking a second-order position on morality. Indeed, Dworkin’s move against metaethics, considered as

an external standpoint to judge among normative theories, ends up amounting to an external point of view about how morality is to be judged and moral claims are to be interpreted. Dworkin cannot help taking a stand in the second-order territory in defending the idea that second-order points of view are not to be considered in judging moral claims because claiming that metaethical considerations have no grip on normative theories just is a second-order perspective. Indeed, claiming that there exists no second-order territory is itself a second-order position⁷². Dworkin responds to this critique by saying that “there is no metaethics *unless* [...] we count the question whether there is metaethics as itself a metaethical question” (Dworkin 2011, 67, italics mine). However, he just stipulates it and never provides an argument showing that the question about the existence of metaethics should be considered non metaethical in character, though it clearly does not belong to the set of first-order questions. On this point, Dworkin’s strategy is to use the term “metaethics”, which is usually employed to target specific debates about the semantic, ontology, epistemology, and psychology of moral discourse, in the hope to argue that meta-questions about metaethics are different from usual metaethical questions. However, if that of the second-order is considered a domain to which all meta-questions about morality pertain, let them be metaethical or metanormative, such strategy crumbles. Indeed, it seems that with such brief annotation Dworkin tries to defend himself from the critique that if his position is metaethical in kind, or simply a second-order stance, his argument is self-defeating. But his stipulation cannot be successful without a satisfactory account of how questions *of* metaethics and questions *about* metaethics differ. For these reasons, I think it is possible to say that Dworkin’s position is indeed metaethical, or a metanormative perspective on metaethics, namely a position about the conditions of possibility for certain principles to be true or false, which do not touch upon the content of those very principles. If this is correct, his argument fails.

The second critique is directly related to the test Dworkin puts up to show the non-neutrality of metaethics. First of all, it is important to stress that providing cases in

⁷² The argument here presented is inspired by Peter Van Inwagen’s discussion of philosophical theses as genuine propositions. “What can be said in support of the philosophical thesis that philosophical theses are genuine propositions? I offer the following argument. At least some philosophical theses must be genuine propositions. For consider the proposition that all philosophical theses are pseudo-propositions. This proposition is itself a philosophical thesis, for philosophy is a part of its own subject-matter: “What is a philosophical thesis?” is a philosophical question” (Van Inwagen 2004, 337).

which the condition apply is not enough to prove that all possible metaethical claims are in fact substantive judgments. Moreover, considering the two-stage argument, if there exists even only one proposition to which the two conditions apply, Dworkin's argument fails. To understand this point, it is worth going back to what Dworkin takes to be the paradigmatic case throughout which understand how an apparently metaethical proposition is in fact normative: "there is no right answer to the question whether slavery is wrong". At a first glance, this proposition seems naturally and intuitively to lead to Dworkin's conclusion. However, if we consider the proposition: "there is a right answer to the question whether x ⁷³ is wrong", where x is nothing but a morally relevant issue, such as abortion, affirmative actions, death penalty, slavery, and so on, things start to get different. Evaluating whether Dworkin's first condition is met, it seems that such a proposition cannot be considered substantive for, though it denies hard-core subjectivism, it does favour neither the claim that x is wrong, nor the one that x is right. In this sense, it is not normative for it is not prescriptive. It is true that from the proposition is possible to draw the inference stating that " x is not wrong", but it is also true that it is equally possible to draw the inference stating that " x is wrong". Therefore, the propositions cannot be action-guiding and cannot tell anything about what should be believed about the moral issue at hand, whatever that may be. Moreover, considering whether the second condition is met, it seems that Dworkin is actually right at showing that "there is a right answer to the question whether x is wrong" might be considered in a substantive sense. Indeed, it retains two substantive, though contradictory, meanings. However, this does not imply that such sense is the only one the proposition displays. The sense of the proposition depends on the way it is used and employed in particular circumstances, and within a metaethical debate it would retain a genuinely metaethical meaning, upon which additionally different metaethical theorists would disagree. In short, it seems that Dworkin's two-stage argument can appear successful only because of the example chosen and I think the appeal to slavery should be considered just a rhetorical move to arouse the reader's attention and to attract it towards the proposed conclusion. It is important to note that

⁷³ The choice of working with x as a variable for moral issues is meant to show more explicitly the worry that Dworkin's argument rests on an inappropriate example which is meant to move our strongest moral convictions (I take it that at present no one would defend the morality of slavery) towards his solutions.

I do not intend to deny that the proposition “there is an answer to the question whether x is wrong” *can* assume a normative sense, but it retains a genuine metaethical meaning nonetheless and therefore it passes the two-stage test⁷⁴.

The third problem I envisage in Dworkin’s argument concerns a gap in outline. The argument he defends can be summarized as follows:

Premise (1) If metaethics is neutral (can pass the two-stage test), then it is independent of normative ethics;

(2) metaethics is not neutral for it does not pass the test;

(3) metaethics is not independent and therefore is part of normative ethics;

(4) normative ethics, on the contrary, is autonomous for there is no Archimedean standpoint from which to judge it.

If this reconstruction is correct, Dworkin needs to fill a lot of gaps to make his argument work. First of all, the idea is that if metaethics is shown not to be neutral then it is also shown that it is not independent of normative ethics is problematic. If there exist a logical binding by which non-neutrality implies non-independence, it needs to be spelled out. Moreover, it seems controversial to think that being non-autonomous entails being a part of what is independent. To put it with a simile, it would like saying that because a baby child is not autonomous and completely dependent on the mother’s care, the baby simply *is* part of her mother. This sounds odd indeed. The problem is that Dworkin seems to be working with a peculiar notion of neutrality that resembles Rawls’s idea of *freestandingness*, which characterizes his theory of political liberalism⁷⁵. In presenting his conception of justice as freestanding, Rawls means that the idea of neutrality is embodied in his conception of political theory. Since political liberalism is meant to address the political domain only, it is presented as freestanding among all the comprehensive religious, philosophical, and moral doctrines present in society. Therefore, political liberalism is neutral in its theoretical design thanks to the requirement of being *freestanding*. Dworkin seems to present a similar idea of neutrality: he seems to think that in order for metaethics to be

⁷⁴ For a similar argument, see Bloomfield 2009.

⁷⁵ I am not arguing that Dworkin aligns with Rawls on a matter of neutrality. Indeed, Dworkin vigorously contrasts the attempt to build neutrality into liberal theories and does not attempt to distinguish a specific realm of the *political*, but propose a strict justification between the liberal egalitarianism and the moral perspective instead (Dworkin 1990, 1-119; reprinted for the most part in Dworkin 2000, ch. 6). Here, I only mean to highlight a link between the two authors in the usage and understanding of the term.

freestanding, or, simply put, an autonomous domain, it needs to be neutral. But this seems controversial for the fact that a debate in a certain domain A may bring some consequences in another debate B does not by itself undermine the significance and independence of A. Consider the relation between mathematics and formal logic. If Dworkin's argument for neutrality applies, it would be like saying that since logic has an impact on mathematics, then logic *is* mathematics or that since physics has an impact on chemistry, then chemistry *is* physics.

Dworkin's argument seems problematic and does not strike the point against metaethics as a general enterprise for it seems that metaethics can still be significant and retain some independence from substantive theorizing. Moreover, Dworkin might be right about the non-neutrality of metaethics for it is true that assuming certain positions in metaethics turns into assuming certain positions in formulating normative theories, but this means only that some metaethical inputs produce some normative outputs (Enoch 2011). Metaethics cannot settle the matter about specific normative questions: it cannot provide an answer to the question whether abortion is right or wrong because inquiring into the nature of moral language and thought does not provide means to solve any moral controversy. In this sense, metaethics and normative ethics pertain to the same domain, the one of morality, the one of the so-called "should questions", but they tackle different problems and pursue different aims. My critique of Dworkin's argument shows that metaethics has some sort of theoretical independence from normative theory. However, it is still possible to wonder whether it is of any relevance for normative theory.

3.3 Global Quietism

A stronger attack on metaethics as a general enterprise is to be spotted in a more general critique of philosophical theorizing and the aims of traditional philosophy initially brought about by Wittgenstein's later writings⁷⁶. Such an approach asks

⁷⁶ I am not arguing for a discontinuous reading of Wittgenstein's thought. As many philosophers have emphasized, when it comes to the subject of the nature of philosophy, it is possible to recollect continuity in Wittgenstein's conviction that philosophy is, in the end, a critique of language (See, Cavell 1969; Diamond 1991; Koethe 1991). However, it is in his later period that Wittgenstein is more specific when it comes to describe philosophy as a therapeutic activity apt to put us at peace with concepts and dissolve the need for philosophical theories. Indeed, the *Tractatus Logico-Philosophico* (Wittgenstein 1922) edifies a systematic theory of formal logic, whereas in *Philosophical Investigation* (Wittgenstein

whether metaethics is of any use at all. In short, it formulates a sort of “so what?” question, wondering whether metaethics, as a traditional philosophical inquiry into the nature of morality and its language, is of any relevance at all. To understand this charge, it might be helpful to reconstruct some of Wittgenstein’s metaphilosophy⁷⁷, which shapes philosophers as committed to the analysis of language in order to *dissolve* philosophical problems. According to Wittgenstein, throughout the study of language, philosophers uncover the deceptive power of certain propositions and recollect the sense of language by shaping images and examples apt to explain propositions. Philosophy is, in this sense, only descriptive for it does not seek the essence of words and concepts, but purports to simply understand how language works. In this sense, philosophy is double faced: on one hand, it has a negative function for it is a critical destroyer of idols; on the other, it has a positive role in enabling us to understand how words work and how to use them (Wittgenstein 2005).

Wittgenstein aims at overturning the traditional conception of philosophy for he holds that such a conception leads philosophers to see language from a distort point of view whereas, on the contrary, its task is, in fact, to leave that misleading perspective. The most famous illustration of Wittgenstein’s challenge to traditional philosophy is probably the metaphor of the glasses. On this image, “it is like a pair of glasses on our nose through which we see whatever we look at. It never occurs to us to take them off” (Wittgenstein 1953, 103). Accordingly, Wittgenstein’s philosophy is not to produce any other pair of glasses through which to see the world. Rather, it is to take any kind of glasses off our nose and to therapeutically⁷⁸ treat us. Philosophy is here intended as a means to free individuals from mysterious and misleading pictures our language provides us with⁷⁹. On this view, philosophy assumes the role of an activity enabling us

1953) Wittgenstein claims that “philosophy simply put everything before us, nor deduces anything – Since everything lies open to view there is nothing to explain” and its aim is “to show the fly the way out of the fly-bottle.” (Wittgenstein 1953, 126; 309) For these reasons, my main concerns here focus on Wittgenstein’s later works.

⁷⁷ It is true that Wittgenstein refuses the idea of metaphilosophy for he claims that “one might think: if philosophy speaks of the use of the word ‘philosophy’ there must be a second-order philosophy. But it is not so: it is, rather, like the case of orthography, which deals with the word ‘orthography’ among others without then being second-order.” (Wittgenstein 1953, 121) However, if metaphilosophy is considered “the philosophical examination of the practice of philosophizing itself.” (Rescher, 2006, 1), Wittgenstein cannot be said not to have a metaphilosophical view.

⁷⁸ “The philosopher’s treatment of a question is like the treatment of an illness” (Wittgenstein 1953, 255).

⁷⁹ For example, according to Wittgenstein, philosophical questions and perplexities about what may be called “the mental”, meaning all those states and properties characterizing the mental life, arise

to stop doing philosophy and to elucidate the traps of language.

In this sense, Wittgenstein embraces a form of strong quietism⁸⁰ for he claims that the job of philosophy cannot be “to reduce anything to anything, or to explain anything; [philosophy] leaves everything as it is” (Wittgenstein 1953, 126-124). So, philosophers need to refrain from concentrating on mysterious philosophical problems and formulating philosophical theories for they are useless. On this account, philosophy is considered that intellectual enterprise apt to provide “peace”, intended as a sort of exit from philosophical restlessness. If peace is achievable and represents the overriding aim of philosophy, quietism is methodologically necessary because traditional philosophical problems are precisely what represent danger. They are sources of confusing mysteries and slippery slopes to chaos. So, therapeutic philosophy, in a certain sense, presupposes quietism for philosophers cannot therapeutically treat the problems they consider if they deepen into traditional philosophical and controversial questions⁸¹.

On this track, Rorty reinforces the connection of therapeutic philosophy with global quietism adding a strong and explicit pragmatist twist, and putting forward the most

because of shallow assumptions about how mental terms reflect and refer to “hidden” mental processes. It is because of such an assumption that philosophical problems about the mental are intractable and indomitable. Philosophy’s task is not to confuse individuals with such irresolvable puzzles. Rather, it is to point to the uncritical assumption underlying the debate about the mental and dissolve the mystery and, in turn, to heal individuals.

⁸⁰ I am not claiming that the quietist reading of Wittgenstein is the best interpretation of his overall philosophical approach. Indeed, Wittgenstein’s philosophy in general, and his rule-following considerations in particular, have been taken to support an amazingly wide range of positions. On one interpretation, Wittgenstein’s rule-following argument is meant to show that the meanings of words are not objectively true. On another, Wittgenstein proves that discourse about meaning is perfectly apt for truth. Finally, Wittgenstein is understood as being neither a realist, nor an anti-realist but *quietist* with respect to discourse about meaning (for a general discussion of different interpretations of Wittgenstein’s problem of rule-following, see Holtzman 1981). I am not interested in providing what I take to be the best comprehension of Wittgenstein’s thought for this is not an interpretative work. Rather, I use the term “quietism” in a methodological sense for it nicely captures that philosophical attitude which rejects traditional philosophical problems and the theories that seek to solve them as useless in order to achieve a certain goals.

⁸¹ It is curious to note that although Wittgenstein was firmly interested in Freud’s work (Bouveresse 1995), his quietist-therapeutic metaphilosophical approach is closer to a sort of cognitive behavioural therapy instead of psychoanalysis. Indeed, psychoanalysis attempts to bring unconscious drives into awareness and liberate individuals by bringing such drives and their motives into consciousness. It tries not to solve the disturbances of the patient, but to understand them and place them within a horizon of consciousness. It is a search for deep, unconscious reasons concerning how certain feeling, actions, and emotions happen. On the contrary, it is the cognitive behavioural therapist who prefers to dissolve disturbances by a goal-oriented, systematic process instead of deepening into the patient’s history. It is a therapeutic approach keen on enhancing individuals to overcome their specific difficulties and to live without psychological obstacles not recollecting the causes of such difficulties, but stopping the symptoms.

compelling account of a global quietist approach to political philosophy. Although Rorty refuses to classify his approach as among that of the “Wittgensteinian therapists” and prefers to claim his belonging to the “Wittgensteinian pragmatists” (Rorty 2007, 160-175), his style in political philosophy is therapeutic in its goal to put citizens at peace with contingent social problems, in particular securing liberal democratic politics, and to create a community “united not by knowledge of the same truths but by sharing the same generous, inclusivist, democratic hopes” (Rorty 2000, 3). Moreover, Rorty’s philosophical attitude is quietist in its determination to refrain from traditional philosophical inquiry. Drawing on Wittgenstein’s negative function of philosophy as destroyer of idols and the Jamesian maxim that only what makes a difference to practice is worth considering⁸², Rorty argues that philosophical problems and concepts such as those of truth, right reason, rationality, validity, and so on are myths human beings would be better off without. Indeed, Rorty is convinced that the history of modern philosophy has been dominated by certain misleading metaphysical and epistemological ideas that brought us to think philosophy as a kind of successor to theology in its foundational aim. Shaped as a discipline concerned with “perennial, eternal problems [and advocating for a] special understanding of the nature of knowledge and of mind” (Rorty 1979, 3), philosophy has been considered the search for a neutral standpoint, a place out of all contexts from which to judge and understand reality, a “view from nowhere”, to put it with Nagel. According to Rorty, such a picture of philosophy now dried out and, in exchange, he proposes a vision prompting to “break down the distinction between knowing things and using them” (Rorty 1990, 50).

To crack the traditional, foundationalist approach, Rorty sets his charge against those views he holds primary responsible for the fortune of such trend: metaphysical realism, epistemic representationalism, and the correspondence theory of truth. The first view states that the reality of the world is independent of how human beings take it to be in their minds. In short, the objects contained within the world, together with their properties and relations, exist independently of individuals’ capacity to know

⁸² “To attain perfect clearness in our thoughts of an object [...] we need only consider what effects of a conceivably practical kind the object may involve – what sensations we are to expect from it, and what reactions we must prepare. Our conception of these effects, whether immediate or remote, is then for us the whole of our conception of the object, so far as that conception has positive significance at all” (James 1997, 95).

them. Closely related to such conception of reality, epistemological representationalism views the epistemic relation between human beings and reality as never immediate. Individuals' experiences of the world are always mediated by their mental representations of it. The idea lying beneath these two commitments is that the human mind can capture the way things really are only when succeeds in perfectly mirroring the elements of the mind-independent world. Finally, metaphysical realism and epistemological representationalism lead to the correspondence theory of truth, which states that beliefs are true or false according to their correspondence to those parts of the mind-independent world they refer to.

Rorty rejects these three theories by claiming that there is no need to model knowledge on the faculty of vision. Traditional philosophy has always supported the idea that there is a gap, *an invisible veil* between reality and cognizing subjects and that such gap is filled by language. But, Rorty says, why should language be a medium of representation? There is no knockdown argument showing that language performs the function of creating a connection between subjects and reality, and so words are best understood as tools to *make* things, namely tools to achieve a favourable, pragmatic end. Accordingly, knowing does not correspond to getting right certain portion of reality. Instead, it means being able to do something with words.

It is important to note that Rorty does not provide an account of how the world is. Rather, he is arguing that there is no practical benefit to keep embracing the traditional imaginary of reality and, thus, philosophers should opt for a change in subject and framework⁸³. Since traditional philosophical problems resist solution, we should simply set them aside and embrace a sort of "subject naturalism" as a method for philosophy. To adhere to subject naturalism means to take an empirical attitude towards human practices and account for the different uses of terms within particular contexts instead of looking for a matching picture of reality. "Subject naturalists [...] have no use for the notion of 'merely putative feature of the world' unless this is taken to mean something like 'topic not worth talking'. Their question is not 'what features does the world really have?' but 'What topics are worth discussing?'" (Rorty 2007, 152) Since there is not a way in which things really are, and the distinction between reality and appearance is misplaced, the only distinction Rorty welcomes is that between descriptions of the

⁸³ "Pragmatists should [...] see themselves as [...] involved in a long-term attempt to change the rhetoric, the common sense, and the self-image of their community" (Rorty 1995, 299-300).

world that are more useful, and those that are less useful “to create a better future”⁸⁴.

In accordance with such general view, Rorty recommends a similar shift in ethics. Distinguishing between two ways to think about philosophy and morality, Rorty states that philosophy can be seen as a quest for objectivity or as a quest for solidarity: “insofar as a person is seeking solidarity, he or she does not ask about the relation between the practices of the chosen community and something outside that community” (Rorty 1991, p. 21). On the contrary, “insofar as [one] seeks objectivity, he distances himself from the actual persons around him [...] by attaching himself to something which can be described without reference to any particular human beings” (Rorty 1991, p. 21). In short, the quest for objectivity in ethics is the quest for moral Truth, namely for those general, eternal moral principles apt to ground our moral discourse and practice. On the contrary, solidarity seekers are not interested into such grounding process. Rather, they concentrate on their community in order to help increasing sensitivity among citizens and enlarging the set of possible alternative ways of life for the future. If objectivity seekers try to give sense to existence by standing in an objective relation to an independent realm of values, solidarity seekers aim only at contributing to the solidarity of a real community. It goes without saying that Rorty considers the objectivity project useless and defends the idea that moral philosophy’s task is precisely that of bettering individuals’ capacity to identify with others, to think of other as we think of themselves in morally relevant senses (Rorty 1989). Moral judgments are assessed only with reference to relations among individuals, and the only authority needed is not outside, but manifested within social practices. In this sense, Rorty proposes an idea of truth that is always community-sensitive: since truth is never recognizable for we do not know when we get closer or further from it⁸⁵, it should be replaced with justification, and always be considered relative to a non-idealized audience (Rorty 1990). So, truth statements in general, and moral judgments in particular, are fixed only by human practice, and objectivity is to be replaced with

⁸⁴ “When we are asked, ‘Better by what criterion?’, [pragmatists] have no detailed answer, any more than the first mammals could specify in what respect they were better than the dying dinosaurs. [...] Better in the sense of containing more of what we consider good and less of what we consider bad. When asked, ‘And what exactly do you consider good?’, pragmatists can only say, with Withman, ‘variety and freedom’, or, with Dewey, ‘growth’” (Rorty 1990, 27-28).

⁸⁵ “The trouble with aiming at truth is that you would not know when you had reached it, even if you had in fact reached it. But you *can* aim at ever more justification, the assuagement of ever more doubt. Analogously, you cannot aim at ‘doing what is right’, because you will never know whether you have hit the mark” (Rorty 1990, 82).

intersubjectivity for it refers to what *we* have come to consider true. Indeed, for Rorty, our moral and political convictions are not to be regarded as true, but contingent values we historically achieved. Morality is the web of traditional habits and customs, and constitutes a plea for invention when those habits prove not to be apt for the job of social harmony anymore. “We cannot look back behind the process of socialization which convinced us twentieth-century liberals of the validity of this claim [that cruelty is the worst thing] and appeal to something [...] less ephemeral than the historical contingencies which brought those processes into existence. *We* have to start from where *we* are” (Rorty 1989, 198).

It is clear that Rorty’s approach, which does not even permit us to expect a rational, non-circular justification for democracy and liberalism (Rorty 1991), cannot be friendly in any meaningful sense to metaethics. Rorty’s charge is much more stronger than Dworkin’s for the latter thinks that metaethics is somehow important, even though it needs to be considered a part of normative ethics. On the contrary, Rorty regards it as completely useless. To put it simply, according to Rorty, metaethics does not matter for if there is no practical benefit in thinking about traditional philosophical problems, there is also no practical benefit in concentrating on second-order questions about morality. Inquiring into the metaphysical and epistemological grounds of normative commitments turns into leading away from the project of solidarity and back into the picture of traditional philosophy with its mirroring metaphor.

Some may wonder whether Rorty actually engages in metaethics and can be considered a quasi-realist (Miller 2002), but I think this would be a mistake for to picture Rorty in such manner seems to jump ahead of Rorty’s strong attempts to overturn the role of philosophy. Indeed, there are important and interesting points of convergence between Rortian pragmatism and quasi-realism, such as the deflationary theory of truth, the rejection of realism without dismissing its vocabulary, and the idea that to think something good is to value it (Blackburn 1984; 1993; 1998). However, to view Rorty as a metaethical quasi-realist is to misunderstand his project. Indeed, in strenuously defending the importance of abandoning the mirroring metaphor, Rorty refuses for his form of pragmatism to be considered alongside any metaethical theory. Rortian pragmatism is meant to encourage re-imagining the very nature of philosophical inquiry into the subject matter of ethics. Metaethical theories aim at

representing something about the world and Rorty's aim is to denounce that project. I emphasize this point, by stressing certain proximity between Rorty's pragmatism and quasi-realism, for the sake of clarifying the strength of Rorty's critique of metaethics: it is not a mere charge against the idea that there is moral Truth (even though those advocating for it are his favourite target). Rather, it is a dismissal of metaethics altogether.

So, in his aggression to philosophical theorizing, Rorty rises a "so what question", which asks whether it makes any difference in practice to pursue metaethical questions. Why should anyone care whether moral discourse is descriptive or not? Why should we care whether moral properties exist? Is not enough for us to find strategies to put up with our practical, moral lives? If philosophical disagreements do not constitute a problem for sharing a politics⁸⁶, why should we be bothered with it? In what follows, I shall put forward three arguments to show Rortian pragmatists that metaethics not only matters, but it also is of practical relevance. Indeed, considering the problems of moral change, education, and normative disagreement I provide reasons for the need to engage in metaethical theorizing. Here, my intention is not that of presenting a knockdown argument against Rorty's erosion of any philosophical distinction, and in particular of that between reality and appearance. Despite doubts concerning the real possibility of such argument to succeed, here my scope is limited in addressing the role of metaethics in moral theorizing. My aim is to show that metaethics is important, also at the practical level, and sometimes indispensable for normative theorizing.

The first set of considerations for the importance of metaethics confronts Rorty on the issue of moral change. Rorty argues that morality is what individuals come up with when traditional customs do not work anymore at guiding individual lives. He proposes to "reconstruct the distinction between prudence and morality in terms of the distinction between routine and non-routine social relationships" (Rorty 1990, 73). Morality is a sort of power to innovate, to invent "when we can no longer just do what comes naturally [...] when habit and custom no longer suffice" (Rorty 1990, 73). However, if we do not understand the sources of morality and the nature of moral

⁸⁶ "Philosophy and Politics are not that tightly linked. There will always be room for a lot of philosophical disagreement between people who share the same politics, and for diametrically opposed political views among philosophers of the same school" (Rorty 1990, 23).

demand, which are distinctively metaethical issues, it seems that to understand how such a change is possible becomes problematic. How do we know when our habits are not apt for the job anymore? Rorty would answer that moral invention, on one hand, is something drawn from historical context and contingency and, on the other, something natural concerning our instinct and capacity to enlarge our sensitivity. However, this answer does not explain how it is possible to question customs, it does not enable us to understand how individuals can grasp when habits are of no use anymore. Indeed, it is not that easy to meaningfully capture what does it mean when a certain practice stops to function. Consider the relations among married couples and how they changed in the Twentieth Century. Have these relations changed because husbands understood that their controlling and authoritarian behaviours did not function anymore, or was it that women understood that the way they were treated was unfair and, in turn, such consciousness made the relational practice dry out? The latter explanation seems more convincing and without an understanding of what a moral demand is, it seems that we cannot understand why habits at a certain point in history stop being guiding.

This is a related but different consideration from Misak's critique of Rortian approach as unfriendly to political action⁸⁷. It is true that it seems strange for a pragmatist like Rorty to disable action and to practically embrace the legitimacy of the *status quo*, but what I am arguing is that, without a metaethical understanding of the sources of moral authority and the nature of moral demands, it is not possible for him to explain how prudence transforms into morality, how non-habitual social practices can become routine, how change is actually possible. There are two possible responses here: first, Rorty can squash his position towards evolutionary ethics, but this would commit him to a particular version of metaethical naturalism. Second, he can argue that he is not interested in how moral changes occur for what is interesting about changes is that they occur. But this would be in contradiction with his idea that culture can be an inception for enlargement and re-elaboration of individuals' ways of looking and thinking about themselves. So, either Rorty defends a metaethical position

⁸⁷ "If someone really thought that there was no truth of the matter at stake, that there was nothing to get right or wrong, why would they commit themselves to a political cause? [...] Rorty is passionate about the need to be an actor, not a spectator in political life. But he blandly denies the point that his theory disables action" (Misak 2000, 16).

without expressing it, or he is advocating for moral change without understanding how such a change is possible. It is important here to stress that moral change does not need to be understood as a sort of consciousness regarding moral Truth⁸⁸. Rather, the problem concerns how individuals are to understand the process of moral change in their thinking and deliberating processes, which is of a great practical relevance.

The second point I would like to highlight for the practical importance of metaethics concerns Rorty's idea of "sentimental education" (Rorty 1993). Rorty attempts to reinforce the liberal commitment to stop cruelty through the cultivation of a sympathetic or affective identification with others. Sentimental education is, according to Rorty, the deepening of the sympathetic capacity to perceive the similarities between others and us. Sentimental education is what enables us to imagine ourselves in the other's place and to experience solidarity for others. In Rorty's mind, this is a job for literature and poetry, which are the most efficient means to the realization of others' sufferings⁸⁹. Indeed, sentimental education is non-foundational and rests on a the natural consideration that "all we share with all other humans is [...] the ability to feel pain" (Rorty 1989, p. 177). Despite Rorty's considerations that philosophy is not apt for the job of moral education, which are not relevant here, in explaining what sentimental education is supposed to perform, Rorty is actually arguing for a certain metaethical position in which morality is a matter of emotions and moral education comes in the form of persuasion and excitement of feelings. My point here is not so much to criticize Rorty's conception of sentimental education, but to highlight how to obtain sentimental education, Rorty indeed holds on to a metaethical picture of morality. If by arousing moral sentiments it is possible to achieve moral progress, morality must be a matter of attitudes towards certain actions, characters, and behaviours.

Given that metaethics is what determines whether moral judgments are mere expressions of feelings or, on the contrary, are beliefs describing certain facts or

⁸⁸ "They are limited to such fuzzy and unhelpful answers because what they hope is not that the future will conform to a plan, will fulfil an immanent teleology, but that the future will astonish and exhilarate" (Rorty 1990, 28).

⁸⁹ "The view I am offering is that there is such a thing as moral progress, and that this progress is indeed in the direction of greater human solidarity, But that solidarity is not thought of as recognition of a core self, the human essence, in all human beings. Rather, it is thought of as the ability to see more and more traditional differences [...] as unimportant when compared with similarities with respect to pain and humiliation – the ability to think of people wildly different from ourselves as included in the range of 'us'" (Rorty 1989, 192).

properties, it plays a crucial role in understanding how moral education it is to be not only conceived, but also lead. Without an understanding of moral epistemology, moral education lacks means to succeed: sentimental education can be carried out in the form of persuasion only if morality is conceived as concerning feelings. My point is that Rorty's sentimental education cannot do without a metaethical commitment for it is metaethics that makes moral education possible. Indeed, if it is true, as Rorty argues, that it is not possible to have an aim without knowing how to reach it, it is also true that we cannot reach an aim unless we know how to get it. Metaethics is what provides us with information about how to get it. In the case of moral education, it is metaethics to shape a picture of what morality is about and, thus, sets the standards for learning.

The last, and perhaps most interesting with regards to the subject matter of this work, consideration for the importance of metaethics concerns normative disagreement. Since it is the fulcrum of this work, I will set Rorty aside for the moment and focus on the metaethical character of the problem of normative disagreement more generally, which is a classical theme in metaethics⁹⁰. Indeed, different metaethical theories defend different accounts of disagreements. On one hand, within a relativist perspective, normative disagreements are clashes of conventions and traditions; from a realist point of view, on the other, statements of facts are what is at stake in normative disagreements. Moreover, for expressivists, disagreements are nothing but oppositions of different feelings and attitudes, whereas for constructivists they are matters of failures of reasoning. For the moment, my aim is not to defend one of these metaethical pictures⁹¹. Rather, my purpose is to show that different metaethical perspectives provide different understanding and, in turn, different rules and standards of judgments to deal with disagreement. Indeed, from a relativist perspective, traditions are what is to be considered in moral disputes, whereas if realism is embraced, normative debates are to be dominated by either reasoned arguments, or empirical data. Furthermore, within an expressivist framework, disagreements are to be dealt with persuasion, whereas within a constructivist account disagreements are to be solved by finding a suited rational procedure to settle the

⁹⁰ For this argument, I draw on Bloomfield (2009).

⁹¹ All different metaethical understandings of normative disagreement are to be considered in full details in the next chapter.

controversy. In this sense, it is metaethics to provide means to understand what is going on in normative disagreements, standards to understand the kind of arguments that are to be considered legitimate in deliberation when the parties disagree. Therefore, it is of normative and practical relevance to understand the metaethics behind normative disagreement for only embracing a metaethical position makes it possible to understand what a disagreement is and how to handle and cope with it. The point is that when considering how to deal with disagreement, determining a metaethical background, whatever that might be, is inescapable for different backgrounds corresponds to different standards, and thus different understanding of what normative disagreements are.

To conclude, metaethics is relevant also at the practical level for it enables us to understand the boundaries and limits of morality, and the way we engage with it. It is the job of metaethics to understand how morality appears, determining what we should look for when considering a moral problem. As I tried to show in the last part of this section, knowing the boundaries and nature of morality makes a great difference in practice and, thus, metaethics cannot just be considered irrelevant and dismissed with nonchalance.

3.4 Evaluative Philosophy vs. Therapeutic Philosophy

In this chapter I put forward some criticisms about quietism in political philosophy, both in its local and in its global forms. My intention was to show the relevance of metaethics to normative theorizing and to highlight its inescapability with regards to particular normative problems. However, it is important not to hide that the choice of securing metaethics by quietist approaches, by making it falling under the umbrella of normative ethics or by dismissing it, is a choice of method motivated by the goals normative political philosophy is meant to achieve. Indeed, as emphasized above, quietism is directly linked with a therapeutic understanding of the role of normative political philosophy. It embraces a method of avoidance in order to gain a particular political good. In this sense, I label this approach to political philosophy, which avoids deepening into metaethics in particular and traditional philosophical problems in general, “therapeutic” because it conceives the role of the philosopher as that of a medical doctor, someone who is trying to figure out a cure to a specific disease.

Moreover, within such an approach, the performance of the theory is assessed on the results it can secure, and as a medical doctor's duty is to prescribe drugs apt to make patients feel better, at least in the medium run, so the therapeutic political philosopher's business is to fix some problems of contingent societies. Therapeutic political philosophy displays a problem-solving attitude and, thus, it is an eminently practical activity. In particular, considering justificatory political philosophy, the task of therapeutic philosophy is understood to find ways to agree and ways to reduce disagreement by securing a set of values apt to shape institutional designs, or citizens' relations and to reconcile citizens living in liberal, democratic society. The relevance of political philosophy is, in this framework, to be measured only on the standard of practice: it is valuable only when it makes a difference to practice. But does political philosophy really need to make a difference in practice to be of any value?

The philosophical approach I am sympathetic with, and the one I embrace throughout this work, opposes the therapeutic conception of political philosophy and proposes a different aim instead. What I shall call "evaluative political philosophy" is a methodological standpoint concerned with providing evaluative standards apt to provide a framework apt to critically consider the normative problems we struggle with in our moral and political existences. It is not a matter of taking into account the practical performance of such standards and practices, but of better understanding moral problems and strategies in order to deal with them. To put it with Cohen, "the question for political philosophy is not what we should do but what we should think, even when what we should think makes no practical difference" (Cohen 2008, 268). On this account, a political philosopher is not one pressed by the urge to treat a problem and solve it, in the sense of dissolving it, to make it disappear. Rather, a political philosopher is one whose main goal is to provide new intellectual tools to better comprehend those problems we struggle with in our moral and political lives. This does not mean that the evaluative philosopher is not concerned with pressing political problems; it is not the case that she is blind on what happens in her political world. However, she is not moved to the urge to alleviate those very problems and to politicize her theory. On the contrary, evaluative political philosophy is not reconciliatory in its aim, but works on a framework of understanding, and thus needs to be friendly towards metaethics.

3.5 Conclusions

In this chapter I considered quietism in political philosophy and put forward some reasons to resist its appeal. Indeed, if justificatory political philosophy rests on the method of avoidance, understanding the limits and problems of such a method quietist in kind is fundamental to my critique. First, I considered Dworkin's local quietism and its attempt to reduce metaethics to normative ethics and I showed that his arguments are not convincing for it seems that he is only defending another metaethical thesis anti-Archimedean in kind. Second, I considered Rorty's version of global quietism and I explained how the rejection of metaethics in particular, and of philosophy in general, does not permit to understand certain problems, and this lack of understanding turn into normative shortcomings. Indeed, as I tried to show, metaethics matters for the truth of a metaethical theory, whatever that may be, should and does have an impact on how individuals engage in morality.

Finally, I distinguished between what I called "therapeutic philosophy" and "evaluative philosophy", and I explicitly embraced the latter. While therapeutic philosophy is meant to solve practical political problems, evaluative philosophy aims at better understanding the political reality we engage with and its problems. For these reasons, my methodology in normative political philosophy in addressing the problem of disagreement needs to be friendly towards metaethics. Justificatory political philosophy is therapeutic in the aims and goals it assigns to the theory and in its quietist approach. Indeed, it seeks to solve the problem of moral disagreement without proving a clear understanding of it. It purports to find acceptable principles apt to end disagreement without ever questioning what a disagreement really is.

Since my approach to normative political philosophy is evaluative in kind and my aim with this work is to better understand the problem of disagreement, in the next chapters I put forwards what I take to be the most compelling metaethical explanation for the phenomenon of disagreement and its normative implications.

CHAPTER 4

The moral experience of disagreement: metaethical understandings in competition

4.0 Introduction

In the first part of this work, I provide some arguments for the idea that one of the major problems of theories of public justification is that they lack a clear and meaningful understanding of what a normative disagreement is. The justificatory version of liberalism aims at proposing a solution to the problem of pacific coexistence and, thus, to deal with intractable normative disagreements within democratic societies without providing a satisfying reconstruction of the concept of disagreement. Furthermore, I argue that such lack in understanding is due to a lack of theoretical resources in the methodology embraced by justificatory political philosophy. My arguments show that setting aside metaethics by invoking a quietist approach with regards to the problem of normative disagreement is an unfortunate strategy, which denies access to a meaningful understanding of such phenomenon.

It is not easy to figure out what a normative disagreement actually is and the literature on the subject matter lacks a shared characterization apt to distinguish it from other forms of dispute or conflict. On a phenomenological level, normative disagreements appear to concern individuals who defend different and contradictory opinions, and though recognizing that their opponents' reasoning may retain some merit, expect that there is a unique right answer to the matter at hand. Indeed, if there was no right answer, the significance of disagreement would vanish and there would be no reason to engage in it. If disputants were convinced that there was no truth of the matter, they would see their continuing the disagreement as pointless. In this sense, the phenomenon of disagreement features two levels: on one hand,

disagreements concern individuals and their personal cognitive processes by which they judge upon certain subject matters and form their opinions. On the other, disagreements involve questions of objectivity by aiming towards a right answer and, in turn, to questions regarding whether objective judgments can ever be formulated. I shall call this “the puzzle of disagreement”, which is a riddle about how to reconcile the engaged perspectives of individuals who aim to defend their judgments and the scope of arriving at a unique and right answer to the dispute.

Since my concerns in this work regard problems of political morality, I should clarify that my interest regards normative disagreements, namely disagreements involving problems about the “ought” part of the “is/ought” distinction. Here I use this label to refer to disagreements about so called “should questions” in general. In this chapter, I attempt to provide an answer to the puzzle of disagreement in its normative version by examining and evaluating the different proposals offered by metaethical theories. My aim is to select the one which suits best our moral experience and ideas of what happens when we find ourselves disagreeing with others. In this sense, my argument is somehow phenomenological⁹², for it seeks to find the best explanation for a particular aspect of our moral experience. First, I consider non-cognitivist accounts of morality and discuss the idea that normative disagreements are nothing but clashes of attitudes, the manifestation of conflict between different motivations individuals may feel when confronted with a normatively relevant event. I reject this approach arguing that non-cognitivism is compelled to embrace some unacceptable form of relativism. Secondly, I scrutinize constructivism, which holds both cognitivist and anti-realist commitments, and reject it by arguing that either it fails at providing individuals with means to challenge their opponents’ views, or makes deliberation itself impossible. Finally, I consider moral realism and argue that, contrary to the metaethical tradition envisaging disagreement as a major problem for it to explain, only this approach is apt to take normative disagreement seriously and provide a significant elucidation of it.

⁹² In philosophy, phenomenology can be understood in two distinctive ways: it can either refer to a specific field in philosophy, or to a philosophical movement, founded at the beginning of the 20th Century by Edmund Husserl (1913). In this work, I use phenomenology in the former sense for what I am interested in is the study of experience, and in particular of moral experience when it comes to normative disagreement.

4.1 Phenomenology of disagreement

Before proceeding in evaluating the different metaethical accounts of disagreement available in the literature, and to better explain what I take the puzzle of disagreement to be, it is crucial for me to explain why I think the phenomenological aspect of disagreement is important. Indeed, traditionally, philosophers have often proceeded on the assumption that phenomenological descriptions should have an important impact on the defence of moral theories⁹³ and that phenomenological inquiry should hold some sort of “methodological priority” (Horgan and Timmons 2005) , but nowadays such a trend is getting weaker and weaker. In the past years, many critiques have been advanced against the use of phenomenology in metaethics stating that phenomenological arguments cannot constitute *per se* a reason to favour one moral theory over another, or a pre-theoretic starting point in the consideration of moral debates (Kirchin 2003) because moral experience is not unified enough to reach such conclusion (Sinnott-Armstrong 2008). Moreover, phenomenology has been charged of being inevitably theory-laden and thus unsuitable for the justification of moral theories (Gill 2008). These criticisms are correct and strike a point against phenomenology: although it is important for a metaethical theory not to be highly counterintuitive with respect to our moral experience, appealing to phenomenology only cannot vindicate a particular view. Whether a metaethical account is satisfactory is derived by its competition with all the other metaethical accounts on matters of explanation in each metaethical field – ontology, epistemology, moral motivation, semantic, etc. Metaethics is a comparative game: “the view that we should endorse is the one that has – when all considerations are taken into account- the most plausibility points overall” (Enoch 2011a, 267). Since it is a genuinely philosophical field in which there are no knockdown arguments and argumentations are never definitive, metaethics is a domain in which the theory with the best explanation overall wins. The best theory is the one offering the most satisfactory metaethical picture of morality all things considered. If a theory gains some advantages on a specific matter, it may nevertheless be overridden by other considerations and other advantages in other areas and, in this sense, accepting a certain position is a business of weighting among different aspects.

⁹³ See Köhler 1938; Mandelbaum 1955. For more recent work, see Dancy 1986.

Of course, recognizing that phenomenology is only one among the many aspects that a metaethical theory needs to fill out and cannot, by itself, play the pivotal role for the defence of metaethical theories does not imply that it does not play any significant role in our understanding of morality whatsoever. What it does imply is that I cannot wish to resort to phenomenological arguments, and in particular to the phenomenology of disagreement, to fully defend and vindicate my favourite metaethical theory, even though disagreement is a particularly important problem for metaethical theories to explain and thus it gives an important hint of what might be the best one. In this sense, it is important to shed any doubt, which may lead to a misunderstanding of my project. In what follows, I will not attempt to defend what I think is the true metaethical theory. I leave the question of what is the best metaethical theory on the market unanswered. I will not pursue it for my aim in this work is normative in character. Indeed, as I argued in the previous chapter, metaethics is normatively relevant and understanding what is the best metaethical explanation of a moral phenomenon has normative implications. In this sense, seeking the best metaethical account of normative disagreement permits to consider what are the best suited normative tools to deal with it. Metaethics cannot solve particular disputes, but it is necessary to understand how to treat disagreement, which is the normative scope I wish to achieve. This is a work in first-order moral theory seeking the second-order domain for elements of understanding and, thus, I cannot pursue here the aim of fully characterize my preferred metaethical account and compare it, in all its aspects, with the other theories available. My intent is to use metaethics to reach the most satisfying picture of what a normative disagreement is starting from the basic experience of what it means to be involved in such a dispute. Although I cannot fully defend my preferred metaethical theory, I can still argue for how disagreement should be conceived, for how it is best explained. At this point, I should put my cards from the beginning on the table disclosing that I think a realist explanation of disagreement is the best one can hope for.

Of course, someone may say that the entire structure of my argument is doomed to fail for if my preferred metaethical understanding of disagreement draws from a metaethical theory that, in the end, could be proved to be false, my arguments inevitably fail. One indeed may object to me: "Well, if moral realism is false, who cares

that it explains disagreement so accurately?” This is a critique I have to swallow for it might be the case that moral realism is actually false. However, there are good reasons to be fairly confident in thinking that moral realists do not lack the resources to vindicate the truth of their theory in all the significant aspects of metaethics⁹⁴. I shall recall that metaethics is a pretty philosophical matter and, in the end, it seems difficult to envisage an uncontroversial settlement of disputes within its domain⁹⁵. Since there is no progress, intended in a scientific sense, in philosophy (Dietrich 2011), moral realism (and all other metaethical theories) will never be *proved* to be true with absolute certainty, so it will also never be *proved* to be false. For these reasons, on a metaethical level, since my intent is not to defend moral realism as a general metaethical enterprise, the relevant critiques that may challenge my argument need to concern only my reconstruction of disagreement. From a normative perspective, on the contrary, the charge that moral realism might be false is irrelevant because even if moral realism was possible to be proved false, there might be other normative reasons for believing it to be true when dealing with normative disagreements. In particular, it might be possible to construct an argument stating that to conceptualize disagreement in realist terms is indispensable for deliberation. As it may be indispensable to believe that we are not brains in vats to lead significant lives, so it may be indispensable to believe that there are normative truths to engage in deliberation and, in turn, to enable individuals to fruitfully participate in disagreements⁹⁶.

⁹⁴ See for example, Brink 1989; Dancy 1993; Shafer-Landau 2003; Cuneo 2007; Wedgwood 2007; Fitzpatrick 2008; Enoch 2011a.

⁹⁵ “Whether or not it would be nice to knock disagreeing philosophers down by sheer force of argument, it cannot be done. Philosophical theories are never refuted conclusively. (Or hardly ever. Gödel and Gettier may have done it.) The theory survives its refutation—at a price. Argle has said what we accomplish in philosophical argument: we measure the price. Perhaps that is something we can settle more or less conclusively. But when all is said and done, and all the tricky arguments and distinctions and counterexamples have been discovered, presumably we will still face the question which prices are worth paying, which theories are on balance credible, which are the unacceptably counterintuitive consequences and which are the acceptably counterintuitive ones. On this question we may still differ. And if all is indeed said and done, there will be no hope of discovering still further arguments to settle our differences” (Lewis 1983, x).

⁹⁶ Indispensability arguments mainly belong to the defence of mathematical realism and attempt to vindicate the idea that we should give mathematical entities (numbers, functions, sets, and so on) the same ontological standing as other entities in our best scientific theories (electrons, neutron stars, quarks, and so on). See Putnam 1975; Quine 1961. In ethics, indispensability arguments are hardly used. David Enoch’s argument for robust metanormative realism from the deliberative indispensability of irreducibly normative truths is the most prominent example in the field. The idea is that irreducibly normative truths, though not explanatorily indispensable, are nevertheless deliberatively indispensable for the project of deciding what to do. See Enoch 2011a, 50-84.

Now that I clarified my intentions and purpose, I can proceed with better clarifying what I called the puzzle of disagreement, which arises when considering how individuals behave and what they expect when take part in a disagreement. The parties in a disagreement advocate and defend conflicting and contradictory positions; they recognize the other's reasoning, but also expect a uniquely right answer to their dispute. Indeed, if they thought there was no right answer, they would have no reason to keep discussing. Moreover, disagreements appear as arising in situations in which no one of the parties at dispute is mistaken, misunderstands the concepts employed in the discussion, or is not fully informed about the non-moral facts relevant to the issues at hand, as if they were engaging in a *faultless disagreement*⁹⁷. Indeed, proper disagreements are those that persist even after the diverging parties, who hold the same capacities in assessing the topic at hand, have presented their respective reasons, and therefore share the same body of evidence, whatever that might be. Given such a general characterization, which metaethical theory can explain the puzzle of disagreement best?

4.2 The Non-Cognitivist Strategy to disagreement and its limits

For it represents a traditional defence of its plausibility, the very notion of disagreement is essential to non-cognitivist understandings of morality. To put it simply, non-cognitivism is the label for a group of theories sharing the idea that moral discourse is not truth-apt for normative claims and judgments are not beliefs and, thus, cannot be considered right or wrong. On this account, there exist no truth-maker for normative propositions do not purport to report any fact, they are not in the business of describing features of the world. Instead, they express individuals' emotions (Stevenson 1963), prescribe norms of conduct (Hare 1952; 1963), or manifest one's non-cognitive commitments, intentions, and desires (Gibbard 1990; Blackburn 1998). Given such characterization, normative propositions cannot qualify as true or false for they refer only to individuals' feelings, desires, and non-cognitive states of mind in general. Moreover, normative language is not descriptive and does not represent the moral world or can pick out certain normative properties. On the

⁹⁷ Faultless disagreement have this form: A thinks that it is right to P; B thinks that it is not right to P; neither A nor B is at fault. For a general discussion of the issue, see Kölbel 2004.

contrary, on this account, normative discourse serves to express individuals' feelings and commitments about morality and, in turn, to persuade others to share those same feelings and rules. On this account, normative disagreements are mere clashes of attitudes, oppositions of non-cognitive states of mind.

Consider Stevenson's traditional theory of moral terms. When it comes to disagreement, he distinguishes between two broad senses of it, which he calls respectively *disagreement in belief* and *disagreement in attitude* (Stevenson 2006, 371-375). The former refers to a situation in which a person A believes that p while another person B disbelieves that p , whereas the latter describes a situation in which a person A "has a favourable attitude towards p [while a person B] has not a favourable attitude towards p " (Stevenson 2006, 371). Given such distinction, Stevenson claims that normative disagreements are mostly determined by disagreements in attitude and they are resolved when individuals succeed in reaching an agreement, namely when the parties attain to convince one another to calm down and change their attitude in the same direction. Stevenson's argument is helpful for it shows how non-cognitivism relies on a strict division between the natural world and morality. Indeed, one of the points of strength non-cognitivists can claim for their preferred theory is its being compatible with a prevailing scientific view of the world. Non-cognitivists do not add any properties to the natural world by invoking the principle of theoretical parsimony and do not need to make any ontologically problematic assumptions about the features which frame the world. Normativity needs not be problematic on this picture for, since there are no moral properties, it does not pertain to factual considerations, but to non-descriptive attitudes. In this sense, non-cognitivism is a simple theory, which preserves scientific findings without requiring complicated and mysterious explanations for morality.

Accordingly, when it comes to disagreement, non-cognitivists distinguish between those disagreements concerning beliefs, such as scientific disagreements, which are tackled by a rational method of resolution, and those disagreements that do not concern beliefs, namely normative disagreements, and cannot be settled throughout a rational procedure. Given this distinction, within a non-cognitivist framework, normative disagreements end up counting as evidence for the non-cognitive content of moral propositions. As for the fitting of morality within the natural world, non-

cognitivists can easily accommodate the existence and persistence of widespread normative disagreements by simply pointing to the non-cognitive form of moral claims and judgments. If moral propositions cannot be true or false, agreement and convergence should not be expected. Given the varieties of individuals' emotive attitudes, interests, and commitments, disagreement follows naturally. Indeed, on the non-cognitivist account, normative disagreement counts as an argument⁹⁸ against cognitivism and as evidence for the belief that there are no moral properties⁹⁹. The idea is that the best explanation to the kind of disagreement belonging to the normative domain is that moral claims and judgments are expressions of non-cognitive mental states, namely emotions or attitudes¹⁰⁰.

The argument from disagreement is powerful not only because it is consistent with scientific understandings, but also because it captures an important aspect of disagreement. Non-cognitivists are certainly right at detecting that when individuals engage in moral thinking and reasoning non-cognitive mental states play a role. Doubtless, moral claims sometimes express emotions, attitudes and try to serve purposes and interests. However, the presence of such states in expressing views on morality does not imply that they are all there is in normative thinking. It is important to note that the non-cognitivist account does not concern the particular emotional state someone might hold in making a normative statement. It is not that a particular emotion or attitude is expressed when someone says: "not respecting the natural environment we live in is wrong". Rather, the idea is that, in expressing such normative opinion, that particular person is neither describing nor reporting anything but her attitude towards the environment and its preservation. From a non-cognitivist point of view, that person does not know that respecting the natural environment is right, she can be said to be *feeling* that it is right, or to be expressing her acceptance to

⁹⁸ It was John Mackie the first to present the *argument from disagreement* as a challenge to moral realism, see Mackie 1977.

⁹⁹ I will consider whether moral realists can reject the argument from disagreement in the last section of this chapter.

¹⁰⁰ The argument from disagreement is traditionally employed not only by non-cognitivist, but also by relativists and subjectivist who, however, are not to be considered on the non-cognitivist. Indeed, subjectivists and relativists argue that moral propositions are truth apt considering the rightness of an action depending on some sort of either individual or social approval, which can be, at least in principle, ascertained by empirical sciences, let them be natural or social. In this sense, both subjectivism and relativism are cognitivist theories.

a system of norms prescribing a sentiment of guilt at the performance of not respecting the environment.

There are several reasons to reject non-cognitivism and in particular its conceptualization of disagreement. I shall devote this section to discuss them. The first objection against non-cognitivism is a general consideration of ordinary talk about morality. In everyday circumstances, we simply use moral language as if it is truth apt. In particular, when disagreeing with one another we not only allow for the possibility of moral mistakes, but we also want to justify our claims in terms of true beliefs while showing that others' are false. As experience goes, when engaged in moral reasoning, it looks like individuals are engaged in a search for the truth concerning what is the correct action to do, the best principle to apply, the right obligation to follow. Moreover, in moral arguments a logical form for moral claims to be judged and considered as valid or invalid, correct or incorrect, consistent or inconsistent is employed. Evaluative language seems to be used in a descriptive sense. When one asserts "x is good" it seems perfectly normal to say that she is describing a certain object as good, she is actually attributing a certain property of goodness to the object, or state of affairs called x.

It is true that the considerations stated above do not represent a real argument against non-cognitivism for the fact that we use language in a certain way does not really defeat the idea that we think we have moral beliefs while we are just expressing emotions or attitudes. However, it is important to note that given our everyday experience, especially that of disagreement, non-cognitivism looks at least highly counterintuitive. On this respect, non-cognitivism not only has to provide an account of our supposed misleading use of language, but also an explanation of the fact that normative terms, when taken out of sentences, seem to refer to objects. Indeed, for a non-cognitivist approach to be consistent it is necessary to argue that terms like "justice", "courage", "injustice", "cruelty" refer to nothing and, in turn, are meaningless unless employed in discourses. But it seems implausible to hold that the term "injustice" has no reference at all, not even a blurred, disputable, essentially contestable one. In other words, the first set of doubts I want to cast on non-cognitivism questions whether our common way of talking about morality parts company with the idea that talking about moral knowledge is nonsensical. This is

particularly important when it comes to moral disagreement for when we disagree we not only want to say that *x* is good in general, but we want to say that we are right in saying that *x* is good and that everyone should agree with us, despite what they may think or claim.

Accommodating non-cognitivism with our everyday talk and consideration of morality is a real challenge and this is evident when considering that the most recent and sophisticated accounts of non-cognitivism are meant to solve such difficulty. Quasi-realism and irrealism in fact represent attempts to save both moral truth and the benefits of non-cognitivism by proposing a theory asserting that, in virtue of a deflationary theory of truth¹⁰¹, normative sentences are projections of attitudes that simply take the form of descriptions, but actually are not. To put it roughly, a deflationary theory of truth holds that to assert a statement as true is simply to assert that statement itself. In this sense, when I say that it is true that the room I am standing in is packed, I am simply saying that the room I am standing in is packed. Since saying that it is true that *x* is equivalent to saying that *x*, it follows that there is nothing interesting to say about the truth of *x* and truth in general. Accordingly, quasi-realists and irrealists can claim that the descriptive use of language we employ in normative discourse is just the way attitudes are projected into the world¹⁰² and that moral language is assertoric and non-representational at the same time¹⁰³. In turn, a normative claim assumes the form of a description, but it really signals one's agreement with its substantive content.

At a first glance, it seems that quasi-realism can have its cake and eat it too: it does not contradict our moral experience and yet it retains that there are no ontologically

¹⁰¹ A deflationary theory of truth states when it comes to the nature of truth, there is nothing to be discovered of the kind of properties philosophers have traditionally proposed: truth as correspondence to facts, truth as coherence within a set of beliefs, truth as the outcome of a rational, ideal procedure are mistaken and misleading ideas. Indeed, on a deflationary account, when one asserts a proposition to be true, she simply asserting the proposition itself. In this sense, not only to assert "it is true that there is a chair in this room" is equivalent to assert "there is a chair in this room", but this is also all that can be said about the truth of the assertion at hand. (Ramsey 1927; Quine 1970)

¹⁰² "We say we project an attitude or habit, or other commitment which is not descriptive into the world, when we speak and think as though there were a property of things which our saying describe, which we can reason about, know about, be wrong about and so on" (Blackburn 1984, 170-171).

¹⁰³ "We can usefully distinguish between morally detached and morally engaged ways of using the truth predicate in connections with moral statements. From a certain detached perspective [...] there is no moral truth (or falsity) since semantic norms alone do not conspire with the world to yield correct assertibility or deniability status to moral statements. [...] From an engaged perspective, 'true' as predicated of moral statements results in a metalinguistic assertion that is a fused semantic/moral evaluation rather than a semantic evaluation" (Timmons 1999, 152).

controversial moral properties. Moreover, quasi-realists and irrealists can depict disagreement as that circumstance in which individuals defend their attitudes and their framework of values as true, as we usually find ourselves doing when discussing a particular issue (Blackburn 1998, 304-307). However, although they score some points at the phenomenological level, it seems that such theories need to give in to relativism, which is an outcome quasi-realists and irrealists vigorously oppose. For example, Blackburn considers relativism “flattening and dispiriting” (1999, 224) and he states that he would rather be a realist, paying its great metaphysical costs, than a relativist. The idea is that relativism not only is somehow descriptive and thus opposite to non-cognitivism, but it also “does violence to a deeply embedded feature of ordinary moral discourse, namely, the fact that from within an engaged moral stance, we assert moral statements and make truth ascriptions to moral statements *categorically*” (Timmons 1999, 126). But can quasi-realists and irrealists actually save themselves from relativism? By arguing that moral claims are not only engaged, but also categorical Timmons wants to argue that they apply to everyone, regardless of what individuals may think or do. This is just the way we use moral language and its prescription: if we take everyday use of moral language we see that it is a fact that moral claims are meant to apply to everyone, in a definitive and absolute sense. The feature of categoricity permits quasi-realism and irrealism to be off the hook of a certain kind of relativism, namely the one stating that there is no truth *simpliciter* and it is possible only to have a sort of validation attached to a particular perspective: “this is valid for me”, “that is valid for you”. If moral judgments are categorical, they can be forcefully said and defended as truth. The idea is that since truth is something we can predicate of moral claims, though only in a simple, deflationary but absolute sense, relativism needs not to be a problem because individuals can indeed argue that what they think is right and the opposite is wrong. On this understanding of moral language, when one says that it is true that educating women is good she is not meaning that is good for her, or for the community she is living in. Rather, the scope of her claim is universal and categorical, it applies to everyone. However, even if it is possible for such non-cognitivist theories to stop relativism there, it seems that they are committed to some sort of relativism nevertheless. The problem with quasi-realism and irrealism is that, according to them, different moral points of view need to be

considered equally true because there is no external criterion apt to judge upon competing claims. If objectivism is false and there is no standard or set of standard that individuals should follow in forming and justifying moral attitudes, relativism obtains. Clearly, from an *engaged* perspective, as Timmons calls it, this needs not to be a problem because when debating one can say that her position is the right one and her contenders are just wrong. However, if the same situation is considered from a detached perspective, relativism arises for in a normative disagreement “everyone’s moral language is *equally* categorical” (Bloomfield 2003, 515). It is true that from an engaged point of view one is entitled to consider her position true and therefore to possess higher moral ground, but it is also true that from a detached point of view there is no possibility to judge upon the correctness of disputants’ competing claims. From a detached perspective there is no moral truth as such.

For the same reasons, from a non-cognitivist perspective, it is true that within one’s point of view one can defend her position as true, but it is also true that she cannot really provide reasons for it and only assert it as a general universal truth valid for all. If this is correct, non-cognitivism leaves individuals without means to participate in disagreements for they can only back up their normative claims to their moral commitment and simply express them. From an engaged perspective Bill can say that it is true that the permissibility of abortion is wrong, but his arguments need necessary to be partisan because they are to reflect his moral outlook since there are no external standards he should conform to. From a detached perspective, it seems impossible to distinguish Bill’s position from that of Jill, who on the contrary thinks that it is true that the permissibility of abortion is right. Without an external standard, examining different normative frameworks amounts to stating their equivalent value: judgments within one outlook are not truer than judgments within another. In turn, quasi-realists and irrealists are compelled to claim that, when individuals disagree, they can state their ground and claim their attitude to be the most appropriate one, but they are left with no argument to challenge their opponents. In this sense, disagreement can only be seen as that circumstance in which individuals state their different opinions, lacking resources to discussing them. Disputants cannot criticize their opponents’ opinions,

but only provide arguments to persuade them, pursuing a *moving way*¹⁰⁴ to change their attitudes.

Non-cognitivists may have a way out of this problem if they accept the idea that there exists no detached perspective and that all moral talk is necessarily engaged. This is the move that Rorty has somehow managed to make, but it seems that this option is open neither to Blackburn nor Timmons for their philosophical projects are essentially metaethical in aiming at providing a full-fledged second-order picture of morality. It would be self-defeating to argue for the impossibility of the detached perspective from yet another detached perspective.

Finally, not only non-cognitivism trivialises the very notion of normative disagreement reducing it to an expression of differences and attitudes upon which it is impossible to judge. It also make persuasion, the only resource available to individuals stuck in a disagreement, difficult. Indeed, non-cognitivism fails at explaining what non-cognitive mental states should pertain to the normative domain. As noted above, non-cognitivists explain normative terms by the states of mind those very terms express psychologically, for example as states of approval, preference, or norm-acceptance. However, such strategy seems problematic because it cannot accurately locate the non-cognitive mental states expressed by normative terms without relying on external normative standards. Without an external standard apt to distinguish the set of non-cognitive mental states that express normative terms from other sets of non-cognitive mental states, non-cognitivism not only lacks a crucial underpinning, but it also does not provide meaningful resources to understand how individuals should act when they find themselves stuck in a disagreement. For these reasons, it seems that non-cognitivists cannot offer a method to practically engage in normative disagreement. This makes non-cognitivism an unsuitable theory to understand disagreement and comprehend how to participate in it.

4.3 Cognitivism, first attempt: Humean Constructivism

Cognitivism is the denial of non-cognitivism. It marks the idea that there are truth-makers for normative claims and judgments, which, in turn, are beliefs. The two main

¹⁰⁴ "If one means by 'method' a rational method, then there is no method. But in any case there is a [...] moving way" (Stevenson 2006, 81).

claims that cognitivists want to defend are (1) normative propositions are truth apt; (2) normative sentences express beliefs for they refer to moral facts, which may be either dependent or independent of human reasoning¹⁰⁵. In what follows, I shall concentrate on the two most prominent cognitivist accounts, namely realism and constructivism, to evaluate whether they can provide a satisfactory account of normative disagreement. I consider constructivism first, and then I turn to realism.

Considered in a general sense, constructivism refers to a metaethical strand committed to, on one hand, a cognitivist approach and, on the other, a rejection of ontological realism. Accordingly, constructivists argue that normative claims and judgments are truth apt and, in this sense, they express beliefs. However, it is crucial to understand that such beliefs do not refer to any moral fact or property existing independently of the human mind, whose existence is doubtful and highly problematic to explain¹⁰⁶. On the contrary, constructivism holds that moral propositions can be true or false with regards to individuals' act of valuing and so normative claims and judgments are stance-dependent. The truth and falsity of normative propositions are built on individuals' reasoning and in this sense values do not exist independently of them. Rather, values and principles are constructed through the evaluating process carried on by individuals when they consider certain things good or bad. The act of valuing corresponds to the occupancy by individuals of a normative standpoint, a practical point of view on the world, from which it is possible to judge in accordance with certain rules and, in turn, values are entailed from within the practical standpoint. As Street notes, "the philosophical heart of [constructivism] is in the notion of the practical point of view and what does or does not follow from within it" (2010, 366). To put it short, constructivism in metaethics is generally committed to three main claims: 1) normative claims are cognitive in being truth-apt; 2) some normative claims are true; 3) the truth of moral claims depend on individuals' practical reasoning. It is a peculiar metaphysical thesis, which spots moral truth-makers in human beings and

¹⁰⁵ I do not consider here the issue whether the set of normative beliefs is empty or not. Most cognitivist (realists, constructivists, contextualists) hold that some true normative beliefs exist, whereas others (error theorists, nihilists) argue that there are no true normative propositions or judgments. In what follows, I consider only those approaches stating that true normative beliefs exist for the others have similar problems to non-cognitivists with regards to disagreement.

¹⁰⁶ On this point, let alone its epistemological component, constructivists take side with Mackie and his *argument from queerness*: "if there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe." And, so Mackie concludes, this is a good reason to doubt the existence of such entities (Mackie 1977, 38).

their capacity to reason from the practical point of view. The idea that normative judgments are constructed and dependent on individuals' reasoning is indeed metaphysical.

Given this general characterization, it is possible to distinguish between two different versions of constructivism: Kantian and Humean¹⁰⁷. The former provides a formal characterization of the practical standpoint from which normative judgments follow and values are constructed. The idea is that it is possible to start from a purely formal understanding of the act of valuing to understand what practical reasons any agent has. Indeed, if the characteristics of the practical point of view are formal, any individual, despite her particular and contingent peculiarities, can occupy it. "The distinguishing feature of Kantian constructivism is that it accounts for the nature of moral truths starting from considerations about the features of rational agency" (Bagnoli 2011). Humean constructivism, on the other hand, has recently gained new attention¹⁰⁸ and it starts from the consideration that we, as human being, cannot evade valuing. Human beings are deliberative creatures who inevitably judge what things are valuable. So, each individual naturally has a personal set of beliefs from which principles and values need to follow, logically and instrumentally. In this sense, within a Humean framework of constructivism, values and normative reasons are entailed subjectively, from the individual practical point of view, which is shaped by each one's personal set of beliefs. Kantian constructivism is impartial and universal, whereas Humean constructivism leans on individual contingent interests. I consider the latter proposal first, and then I turn to the former.

In what follows, I focus on Street's account for it is the most prominent example of Humean constructivism in contemporary literature. In particular, her writings come particularly handy for my discussion because of her interest in the possibility of *ideally coherent eccentrics* (Street 2009), who constitute an important resource to understand

¹⁰⁷ The distinction between Kantian and Humean forms of constructivism stands for the distinction between objectivist and subjectivist accounts of constructivism. I use these labels interchangeably. There is massive disagreement among both Humean and Kantian defenders of constructivism about the forms, content, and methods of morality and it is not my intent to distinguish among all types of Humean and Kantian accounts. Rather, I use these two terms of art in order to draw a line between subjectivist and universalist approaches within the constructivist tradition.

¹⁰⁸ See Lenman 2010; Street 2008, 2010, 2012, forthcoming; Velleman 2009. Previously, attitude-dependent forms of constructivism have been defended by Harman 1975, 1977, 1996; Wong 1984. Here I only consider the most recent forms of Humean constructivism for they are the most compelling when it comes to metaethical explanation.

disagreement within such a theoretical framework. As stated before, Humean constructivism starts with the act of valuing as an inescapable human activity and, in Street's version, such an activity refers to one being, one individual, rather than to a group of subjects (let them be idealized or not), who judges whether something is right or wrong. In this sense, given its antirealist commitment, the theory defends the idea that moral values are dependent on individuals' attitudes, and moral judgments are correct when they withstand *reflective scrutiny*¹⁰⁹ from one's practical standpoint. In particular, given an initial set of values anyone inevitably has, correct judgments are those that are inferred from it within the individual practical point of view. It is the *following* of a particular procedure, as a matter of logical and instrumental consistency, to do the normative work here. Given a set of beliefs (let them be both normative and non-normative in character), normative claims can be logically and instrumentally entailed from one's practical point of view to form a coherent set, and thus, to understand the right thing to do or think. To make an example, within this framework, if I value running as the most important activity I can commit myself to, it follows that I need to purchase running shoes because running shoes are necessary for me to have good runs. Purchasing running shoes is in this sense entailed by my practical point of view because of my evaluative starting point. It is important to stress that it is true that I need to purchase running shoes even if I do not realize it and in the end I find myself going to the running track in heels¹¹⁰.

Such a position is thus constructivist in character for it does not praise valuing as such, it does not stop where it starts, namely at having certain reaction about moral issues, as within non-cognitivist approaches. On the contrary, valuing starts with certain personal normatively relevant attitudes, but it cannot do without practical reasoning, without undergoing a procedure apt to validate normative claims. The procedure of reflective scrutiny makes it possible to understand what things should be considered of value from within one's practical standpoint, given one's individual preferences and attitudes. In this sense, the procedure is what confers validity and

¹⁰⁹ "According to constructivism [...] for a normative judgment [...] to be correct is for it to stand up to the specified sort of reflective scrutiny: the normative judgment's correctness is *constituted* by the fact that it withstands this scrutiny. [...] To be correct is to withstand scrutiny from [the practical] standpoint" (Street 2008, 209).

¹¹⁰ Street provides a similar example with Ann, who values counting blades of grass above all (2010, 367).

coherence to one's set of beliefs. An initial set of normative convictions, throughout the process of reflective scrutiny, transforms into a set of valid and coherent (both logically and instrumentally) normative beliefs. It is clear now where Street's account gets its Humean taste. First, there are no a priori substantive values for it is only the procedure to construct correct normative judgments. Second, there exist no universal reasons valid for all individuals qua individuals. Values are subjective for they are developed from each one evaluative starting point, but not in the "anything goes" sense for they are constrained by the rules of reflective scrutiny.

Having clarified the Humean constructivist's picture of moral reasoning and values, it is time to ask whether it is a suitable framework to understand disagreement, whether it can provide a plausible design for it. In the following discussion, I focus particularly on Street's characterization of a particular ideally coherent eccentric, namely that of Caligula¹¹¹, who (on her account) has normative reasons to torture children for fun. My aim in analysing this particular feature of Street's theory is due to a slip towards relativism I envisage in her position, which proves to be extremely problematic when it comes to the explanation of disagreement. Let alone considerations about whether defending a metaethical position suggesting that it is possible for an individual like Caligula to torture children for fun and have normative reasons to do it counts itself as a reason to defeat Humean constructivism, I am interested in understanding whether it can provide a satisfactory account of disagreement only. I do not hold that providing arguments for the possibility of ideally coherent eccentrics constitute a knockdown argument for any theory that makes room for them and I do not argue for that. On the contrary, I think that a theory that does not dismiss the issue of eccentrics and provides explanations for their existence is indeed a healthy theory. Nonetheless, the attitude-dependent approach Humean constructivism is committed to proves to be highly unsatisfactory when it comes to normative disagreement.

¹¹¹ Caligula is not the only ideally coherent eccentric Street considers in her writings. She provides detailed characterization of the ideally coherent anorexic and the man with Future Tuesday Indifference. In this work, I focus on Caligula only for, given that he is supposed to have reasons to inflict suffering on others, he represents a threat for others and thus the most interesting case for the issue of disagreement.

The main problem of Humean constructivism is that, since individuals are born with a *valuing attitude*¹¹², and they have some values from which infer the object they should value correctly, their values cannot be questioned, as long as they are coherent in their inferences. In this scenario, an ideally coherent Caligula is therefore perfectly possible: he is simply an individual whose evaluative starting point consists in some values that are generally considered repugnant. In the particular case of Caligula, the value at hand is that of having fun by seeing other people in pain, and in turn the torturing children for fun is simply logically and instrumentally consistent with it. It is important to note that, on this account, because those generally considered repugnant conclusions *follow* from the practical point of view, Caligula has a normative reason to torture children for fun¹¹³. It is not the case that Caligula is wrong in thinking that he has reasons to torture children for fun. On the contrary, he is right in inferring such a claim from the acceptance of his core commitments. As coherence theories of truth fundamentally states that the truth of any propositions consists in its coherence with some specified set of propositions (Young 2008), so within a Humean constructivist framework, normative reasons are those that consistently follow from the set of beliefs of one's evaluative point of view.

If this reconstruction is correct and Humean constructivism turns out to be true, disagreement assumes a problematic form. Of course, claiming that an individual like Caligula may exist and may have normative reasons to torture children for fun does not imply a defence of any such value as that of having fun by seeing other people in pain, or that one should affirm those reasons. However, for Humean constructivists, the possibility of challenging such claims seems to disappear. Indeed, if each one has the ability of inferring what is of value and what it is not of value for her, then how anyone could have reasons to object to Caligula's normative reasons? If Caligula has normative reasons to torture children for fun, it seems that relativism needs to be true and, thus, there are no arguments that can be put forward to challenge any normative

¹¹² "Even if we aren't sure what value is, we do understand the attitude of valuing: the world is full of creatures who value things, after all, and we know the attitude pretty well when we see it" (Street, 2010 266).

¹¹³ "There are *no* facts about how an agent has most normative reason to live that hold independently of that agent's evaluative attitude and what follows from within the standpoint constituted by them; instead, an agent's normative reasons are always ultimately a function of that agent's own evaluative attitude and what is logically or instrumentally entailed by those attitudes in combination with the non-normative facts" (Street 2009, 274).

reason, when coherently inferred. Of course, individuals dealing with Caligula may be entitled by their society of belonging to physically stop him, but only in adherence with the society's system of rules. On a matter of morality, within Humean constructivism, it is not possible to say that he is wrong or that he lacks normative reasons to act as his particular practical standpoint requires him to. In short, given its relativistic twist, Humean constructivism is not a convincing framework for disagreement for it excludes the possibility to really challenge and question each one's positions for, as long as they are consistent with their respective starting points, all values are right. No matter how controversial and wrong some normative judgments might appear, they may be just coherent instances of particularly controversial point of view.

To better understand the point I am trying to make, consider Street's discussion of the Caligula example. First, Street says that it is very rare that an individual like Caligula would exist in real life because no one who is both ideally coherent and fully informed would think torturing children for fun to be of any value. Even if this consideration is true, it does not strike any point in defence of Humean constructivism. It might well be true that Caligulas are very rare, but they may very well be real, as Streets herself rightly and strenuously wants to defend, and it seems that in such rare cases resources to deal with them would lack, for there would be no possibility to tell them their reasons are wrong. Indeed, it seems strange that Street, who intends to run an apology of Caligulas and other eccentric fellows, in the end, sleeps comfortably thinking that they are not so many, as if numbers could say something about the deepness of the problem. Indeed, even at an ideal level only the possibility of a Caligula renders the entire framework problematic.

Second, Street argues that if we could bring ourselves to imagine an ideally coherent Caligula in full, vivid details then the reasons for such an individual to torture children for fun would not seem that counterintuitive. This consideration seems to fall into a full embracement of relativism for it seems to suggest that one should accept Caligula's reasons for torturing children if she was exposed to all his evidence and starting values. Of course, this does not mean that she should accept those reasons as valid for her, but she should recognize them as normative reasons nonetheless. In this sense, individuals are not only required to see their reasons as having no normative force for others, but they also need to recognize and accept that reasons, which have

no normative force for them, are valid for others. It seems that such a scenario is not only incredibly demanding of individuals, but it also inevitably reduce disagreement to recording differences among individuals.

Third, Streets says that since there is no real human being who is ideally coherent, it is right to assume, as a default position, that there is a shared fund of evaluative starting points. Though it seems right to think that there would be not so many individuals praising torturing children for fun, it does not follow that we should assume that there is a shared fund of evaluative starting points. In particular, it seems difficult to understand what a shared fund of evaluative starting points should look like. It is clear that when it comes to the issue of torturing children for fun, the set of persons embracing a positive attitude towards it can reasonably be considered small. In turn, such a small set is excluded from the large set of those holding that torturing children for fun is wicked. However, consider a situation in which the issue at hand is not torture for fun but abortion instead. In this case, it seems arduous to understand how the shared fund of evaluative starting points should be intended. Moreover and more importantly for the problem of disagreement, assuming a default position of agreement among starting points says nothing about what to do in a situation of disagreement. What resources are there to deal with a person like Caligula, who wants to torture individuals for fun, if we think that such a situation is not to occur?

Fourth, Street argues that although Caligula has normative reasons to torture children for fun, this does not imply that one has a reason to share them and should not criticize or condemn him. Moreover, if confronted with an ideally coherent Caligula, it would be right to prevent him from acting upon his values. But is this really the case? If Caligula has normative reasons that are true with respect to his practical point of view, how are his thoughts and actions ever criticisable? Since he has normative reasons to torture children for fun and, if he is really coherent, we must recognize them, it is impossible to tell him that he is wrong for he has done no wrong. Indeed, from our perspective, we can say that his conclusions do not follow from our practical point of view and that his evaluative starting point is wrong. However, we cannot say that his reasons are wrong. So, in the end, we may be able to criticize his position, but we lack any resource to really challenge his arguments. If this is true, disagreement in a Humean constructivist framework ends up being a fight not over

ideas or arguments, but about starting points, upbringing, and individuals as particular persons with their personal histories. We cannot criticize his reasons, the only thing we can do is criticize him: if Caligula's reasons follow, we must recognize them as valid, but we say that his evaluative starting point is wicked. It seems that if disagreement inevitably hinges on persons for it simply reflects clashes of individual attitudes, though coherently constructed, and it is not a matter of arguments, than respect for opponents is simply impossible. Moreover, within a Humean constructivist account, not only Caligula's reasons need to be considered and recognized as valid, but also our reasons inevitably fail at convincing him about the wrongness of torture. Indeed, what reasons could be offered to Caligula to make him change his mind if his reasons for torturing children for fun are valid, and recognizably so? The only possibility to persuade him would imply changing his evaluative starting point, but it seems difficult for such a change to happen in an attitude-dependent framework.

To use a different but maybe more striking example to clarify my point, instead of considering a society of good people dealing with a Caligula, think of a society of wicked individuals dealing with a good person. Consider a society in which all individuals are racist but one. On a Humean constructivist account, the non-racist person in the racist society has no means to convince her fellow citizens of the wrongness of racism and is condemned to live in a racist society because she needs to recognize that racist persons may have normative reasons to be racist. Of course, this does not mean that the non-racist person needs to be persuaded by those reasons and to become a racist herself. Nonetheless, she cannot question the racist convictions of her fellow citizens and cannot hope to change their beliefs, they are coherently inferred by their evaluative starting points. The example of the racist society is useful because although it is possible to think that one Caligula among many good people would not be such a terrible threat to society for it would be possible to stop him from trying to provoke pain to others, things are different when to be wicked is the majority of people. In the racist society, it would be the non-racist persons to be stopped from protesting or fighting against racist laws. If the non-racist person cannot hope to resort to arguments to persuade her fellow citizens of the wrongness of racism, Humean constructivism cannot help to be problematic.

Of course, Street may claim that all interesting cases of normative disagreement are those in which individuals do not infer correctly from their respective practical point of view. In this sense, disagreement would be a phenomenon caused by individuals' inability to apply the rules of reasoning within the practical standpoint. I think this argumentative strategy is unpromising for it seems difficult for a Humean constructivist to hold that understanding one's point of view and to apply basic rules of rationality, such as those of logic and instrumental reason, is challenging. The point of having a thin theory of reflective scrutiny and values is precisely to show how we do reason from the practical point of view. If individuals are likely to be inept at reasoning from their practical points of view, this is not such a great victory for Humean constructivists. Moreover, it seems that in practice there are disagreements that cannot be explained away by individuals' failure to infer their normative reasons from their own practical point of view. Consider again the problem of abortion. It seems that in this case a pro-life and a pro-choice have both normative reasons coherently drawing from their respective set of beliefs to reject or support the permissibility of abortion, but if Humean constructivist is correct they can only state their ground, show their reasoning and recognize the reasons' of others without any further possibility to question and challenge them. Each of them can only say that she is right because of her own set of beliefs, and that the other is right because of her set of beliefs, but this seems an odd picture of disagreement.

To conclude, the understanding of disagreement Humean constructivism provides is unsatisfactory for many reasons. With its relativist twist, Humean constructivist inevitably reduces normative disagreements to clashes of attitudes, though logically and instrumentally coherent. When two individuals disagree they cannot really challenge their opponent's arguments for they are required to recognize their respective and different normative reasons, even if those prescribe to torture children for fun. In this sense, Humean constructivists can either never really question others' opinions, or telling their opponents off saying they are wrong, despite the fact that their reasons are correct for them.

4.4 Cognitivism, second attempt: Kantian Constructivism

As noted in the previous section, Kantian constructivism share with Humean constructivism the idea that moral reasons and principles are constructed in the sense of being entailed from the practical point of view. However, the two positions radically differ for Kantian constructivists aspire to produce a theory universalistic in character, starting from certain characteristics of human agency, shared by all individuals qua rational agents. In this sense, moral reasons and principles are rooted in human nature.

There are many reasons why providing a satisfactory and comprehensive characterization of Kantian constructivism is difficult. Troubles in description arise not only because it is not clear whether Kant himself can be considered a constructivist (Irwin 2009), but also because theorists who recognize themselves within such framework deeply disagree about the features that should sustain it. Moreover, Kantian constructivism has been usually defended as a first-order, normative account and it is only in recent years that some theorists have attempted to present it as a genuine metaethical position with a distinctive character apt to carve out a space for itself within the map of metaethics¹¹⁴. One of the causes of this late coming of Kantian constructivism is the success of Rawls's argument for it. Indeed, Rawls, who first put forward a defence of Kantian constructivism (1980), is not proposing a full-fledged metaethical argument. On the contrary, Rawls's aim is to justify a particular set of substantive claims, in particular claims about social and political justice, as entailed from the point of view of the original position. His account starts with some considerations about individuals' basic interests and needs¹¹⁵, the freedom and equality of persons, the conditions of fair bargaining, and so on, which are considered uncontroversial and uncontested, and thus an acceptable basis to build up a procedure to construct normative principles valid for all. In this way, Rawls provides a substantive characterization of the practical point of view and does not commit himself to any particular metaethical theory for he never specifies the nature of those starting

¹¹⁴ For a discussion about constructivism between ethics and metaethics, see Bagnoli 2002, 2011; Enoch 2009b.

¹¹⁵ "Only under the assumption of some kind of homogeneity among the interests and needs of all possibly affected by a norm does it make sense to claim that a procedure sensitive to such homogeneity would be able to yield single (i.e., universally valid) outcomes" (Lafont 2004, 29).

consideration he takes as uncontroversial¹¹⁶. Indeed, in *A Theory of Justice*, Rawls defends the truth of certain principles of justice, which follow from the setup of the original position, but never questions the nature of the reasons upon which the original position is built on. Thus he is not proposing a metaethical theory for his position is neutral with respect to any account of the nature of reasons. In what follows, since they are normative accounts for the justification of certain principles and I am here interested in the metaethical picture of normative disagreement, I leave substantive conceptions of Kantian constructivism aside¹¹⁷. For this reason, I focus mostly on Christine Korsgaard's theory. My choice of focusing on Korsgaard's account may seem odd given her dissatisfaction with the metaethical debate as a whole¹¹⁸. Indeed, Korsgaard repeatedly argues that metaethics, as an independent field of inquiry, is misguided and based on some false and obsolete dichotomies, and that moral theory should aim at resolving practical problems rather than exploring theoretical ones (1996; 2003). However, despite her intentions to go beyond metaethics, Korsgaard's proposal represents the first and most relevant attempt to defend a Kantian constructivist theory in metaethics, intended as a genuine alternative to both non-cognitivism and moral realism¹¹⁹. I should make it clear from the beginning that my aim is not to provide the best reconstruction of Korsgaard's rich and elaborated account, which is a complicated job also because she hardly puts her

¹¹⁶ On this point, see Street 2009, 367-369 and Enoch 2009b, 327.

¹¹⁷ For similar reasons, I also do not take into account Scanlon's view about "what we owe to each other", according to which moral principles are those rules tied to the point of view of a certain contractual situation, namely that of a group of agents about to live together on terms no one "could reasonably reject as a basis for informed, unforced general agreement" (Scanlon 2000, 272). Indeed, Scanlon provides an account for the truth of certain substantive principle and for the justification of certain normative reasons, but he never provides an account of the nature of those reasons.

¹¹⁸ For a general discussion of the relation between normative philosophy and metaethics, see Chapter 3 of this dissertation.

¹¹⁹ Some scholars have argued that Korsgaard fails at distinguishing between normative questions and metaethical questions and, in turn, she cannot claim to be defending a proper metaethical theory. "In Korsgaard's attempt to delineate 'the normative question' in the *Source of Normativity* she fails to distinguish the task of placing normative principles and judgments within practical reason from the task of giving a metaethical account of those principles and judgments. [...] Her own solution to the 'normative problem' is infected by this ambiguity, and thus fails to express a distinctive metaethical view [...] The failure to distinguish normative from metaethical question is reflected in a potential ambiguity in Korsgaard's claims to have identified the 'source of normativity' or to have 'explained normativity'. There is a distinction between what *makes* an action wrong or a principle normative, on the one hand, and what *constitutes* the normativity or what the property of being normative itself is, on the other" (Hussain and Shah 2006, 270). However, although her position may be lacking metaethical content, her aim is to develop a metaethically significant account of constructivism. In the end, hers is an attempt to develop a "global coherent constructivist view" (Enoch 2009b).

arguments in a precise and clear manner and employs a language that is often ambiguous and confusing. Rather, my intent is to test whether Kantian constructivism can provide a satisfactory and convincing picture of disagreement.

Before proceeding, it is important to note that one of the problems in understanding Kantian constructivism regards the fact that it is a position that greatly highlights the problem of normativity in the sense of moral motivation. Indeed, one of the strong features of constructivism is precisely to explain fairly good the connection between normativity and motivation by establishing a close connection between normative judgments and the will of agents. Note that Korsgaard's major concern regards why moral agent ought to obey normative principles, namely how principles can succeed in guiding action. Her polemic target is scepticism not about whether moral truths exist, but about whether they have authority over persons¹²⁰. However, despite what Korsgaard's main worry consists in, it is important not to lose track of the fact that Kantian constructivism is primarily a theory about truth-makers, namely about what makes certain normative judgments or claims true. And Korsgaard sees in the deliberative activity of self-reflection and the procedure of identification with principles the truth-maker of normative judgments. Indeed, reasons are a natural part of how agents interact with the real world¹²¹, and they inform individuals' judgments and beliefs for it is by identifying and selecting reasons that normative judgments can be determined.

Kantian constructivism shares with its Humean counterpart the idea that the starting point to establish normative judgments is the act of valuing. However, if Humean constructivism depicts the practical point of view in subjective and contingent terms, the Kantian version provides a formal characterization of the practical point of view in terms of rational agency and thus seeks an objectivist strategy. First of all, Kantian constructivism starts with some general assumptions about the kind of agents human beings are. In the case of Korsgaard, humans are capable of self-reflection, in the sense that they are able to think about their desires and thoughts from a detached

¹²⁰ "A moral sceptic is not someone who thinks that there are no such things as moral concepts, or that our use of moral concepts cannot be explained, or even that their practical and psychological effects cannot be explained [...] The moral sceptic is someone who thinks that the explanation of moral concepts will be one that does not support the claims that morality makes on us" (Korsgaard 1996, 13).

¹²¹ "If you think reasons and values are unreal, go make a choice, and you will change your mind" (Korsgaard 1996, 125).

perspective. On this account, human beings are the sort of animals that are aware not only of their own sensitivity, but also that their feelings, thoughts, and desires may have a pulling effect, and thus that they have to face the *normative problem*, namely the problem of choice, of deciding which action to perform¹²². The normative problem pertains to rational agents as such for every agent just needs reasons, for “our plight as self-conscious beings is that we find ourselves faced with the necessity of making choices and so in need of reasons to act” (Korsgaard 1998, 62). Throughout the capacity to achieve *reflective distance*¹²³, human beings can assume a detached perspective and, from there, call into question and judge their instincts. In distancing themselves from their desires and impulses, human beings can reflectively understand whether those very desires and impulses constitute normative reasons to act. Human beings are self-conscious by nature and, in the space of reflection, decide whether to treat impulses as reasons for action and determine whether to endorse or reject them (Korsgaard 1996, pp. 121-122). According to Korsgaard, reasons are an essential and inescapable part of human life. As she states, denying reasons is like denying colours.

Following Kant, Korsgaard argues that reflective human consciousness needs to be free. It is a real fact of human existence that individuals judge and act under the idea of freedom. They imagine themselves in control and responsible for their actions and decisions. But how does self-reflection convert an impulse into a reason? The answer to this question is to be found in Kant’s formulation of the Categorical Imperative. For Korsgaard, in order to endorse a reason, a principle is needed, but because of the self-reflective nature of human rationality, such principle needs to arise from consciousness itself, and the conscious agent needs to will it as a law. Indeed, Korsgaard’s argument states that one’s will needs to be autonomous and therefore it cannot be determined by anything external to it. On the contrary, one needs to choose her own principles and will them as laws. However, the categorical imperative simply

¹²² “When we do moral philosophy, we [...] want to know whether we are justified in according this kind of importance to morality. [...] We want to know what, if anything, we really ought to do. [The] demand on moral theory is always there. Even when the claims of morality are not [...] dramatic, they are pervasive in our expectations of ourselves and each other. So these claims must be justified. This is the normative question” (Korsgaard 1996, 13).

¹²³ “Once the space of awareness – of reflective distance, as I like to call it- opens up between the potential ground of a belief and the belief itself, or between the potential ground of an action and the action itself, we must step across that distance with some awareness that we are doing so, and so must be able to endorse the operation of that ground as the basis for what we believe or do” (Korsgaard 2008, 4).

explains how normativity originates from reflective consciousness and says nothing about the content of the procedure. Indeed, the categorical imperative applies to agents requiring them only to determine a law, namely a principle apt to hold universally. In this sense, the moral domain is not specified by the categorical imperative, but by its reformulation in the shape of the moral law, which states that the conditions of possibility for a truly moral law is that it can be willed by every rational human being. Accordingly, when formulating a moral law, one needs to include all rational human beings in her concern.

How does the moral law guide individuals? This is where Korsgaard's argument for *practical identities* kicks in. The reflective status of human beings brings them to have a conception of themselves and, when they choose, individuals express themselves throughout a process of identification with the undertaken principle. Practical identities are to be understood as the roles and practices individuals adopt over the course of their life. For example, one might identify herself as a mother, a daughter, a friend, a philosopher, an alpinist, and so on. Korsgaard argues that the reasons one chooses under reflective scrutiny are grounded in her practical identity, which points to subjective principles relative to such an identity. Principles need to be in accordance with one's practical identity for if such subjective principles are rejected she would lose the conception of who she is. It is not only a matter of identity, but also of integrity: if acting in a certain way means losing a great sense of what one is, then that action cannot be performed for it would be wrong. However, Korsgaard argues, this should not lead us to think that the story about subjective principles ends here, in some sort of relativism or subjectivism. On the contrary, not all practical identities are contingent for there is one very important practical identity concerning what it means to be a human being. Indeed, the fact that one is a human being, and, thanks to this, is capable of forming a practical identity, is the basic and necessary module composing everyone's practical identity. The reason to conform to one's practical identity "springs from [her] humanity itself, from [her] identity simply as a *human being*, a reflective animal who needs reasons to act and live. And so it is a reason [she has] only if [she] treats [her] humanity as a practical, normative form of identity, if [she] values [herself] as a human being" (Korsgaard 1996, 121). In this way, practical identities lead inevitably to the value of humanity because to value one's own practical identity

means to value humanity. Moreover, if one values humanity as she sees it in herself, by logical extension, she also values humanity in general, and to value humanity in general means to value also the humanity of others. Thus, given how subjective principles need to reflect this value of humanity, practical reasons need always not to be in contradiction with the value of humanity (Korsgaard 1996, 100-130).

To complete, it is important to understand that if reasons come from principles, principles come from the activity of agency itself. In Korsgaard's terms, *principles of practical reason are constitutive of agency*. Constitutive principles are norms that spring from the nature of a particular activity. To make some examples, I cannot be eating if I am not having food in my mouth, for having food in my mouth is a fundamental condition for me to perform the activity of eating. Similarly, putting one foot over another is a constitutive norm of walking and unless I put one of my feet over the other, I can only pretend that I am engaging in the activity of walking, but I am actually not. Constitutive norms are rules internal to a particular activity that make that particular activity what it is. In this sense, constitutive principles and norms are both descriptive and normative. They are descriptive for they say something about what particular activities are about. On the other hand, they are normative for they say something about how a person should act to perform that particular activity. "These norms are [...] not mere descriptions of the activity in question. They are [...] instructions for performing the activities in question. And so there's no room to ask why you should follow them: if you don't put one foot in front of the other you will not be walking" (Korsgaard 2008, 62). This means that if principles of practical reasoning are constitutive of agency, individuals need to follow them in order to count as rational agents. In order to act as rational agents, individuals need to conform to those principles of practical reason, which are constitutive and, thus, permit to construct beliefs and reasons¹²⁴. In this sense, principles of practical reason are neither external, nor they are nowhere to be found in an infinite regress¹²⁵. On the contrary, they

¹²⁴ "The principles of practical reason, I propose, are constitutive principles of rational activity: they are the principles by which we take control of our beliefs and actions [...] The categorical imperative, on this view, is not just the principle of morality. It is also the constitutive principle of action. More precisely, I believe that the principle of governing oneself by universal laws is the constitutive principle of rational activity generally" (Korsgaard 2009, 9-12).

¹²⁵ Korsgaard thinks that moral realism fails at explaining how to answer the normative question because when a moral realist is faced with the question 'why be moral?', she can only point to the existence of a moral fact stating that a certain action is obligatory. However, Korsgaard argues, such

belong to the nature of the activity of being a rational agent: if one fails to comply with them when facing a normative choice, she simply stops being a rational agent for the dilemma in question. Korsgaard's theory of constitutivism amounts to the idea that rational beings constitute themselves as agents by choosing actions in accordance with the principles of practical reason.

Among the many critiques that have been put forward against Kantian constructivism, two are particularly neat concerning the problem of normative disagreement. The first difficulty is a version of the circularity objection, which is also a refinement of the "Euthyphro objection"¹²⁶, with a particular focus on the conditions of normative deliberation of agents. The circularity objection roughly goes as follow:

(1) Principles of practical reason are either normative or non-normative.

(2) If principles of practical reason are normative, constructivism is circular for it needs the existence of normative constraints aside the procedure of construction. In this case, constructivism ends up being a form of moral realism.

(3) If principles of practical reason are non-normative, constructivism can guarantee neither to be empty nor to be apt to deliver practical judgments in accord with our ordinary moral judgments (think about Street's Caligula: she bites the bullet on this point).

(4) Therefore, constructivism is either circular or empty and it is refuted.

Since Kantian constructivists strenuously oppose moral realism and would not want to be grouped with moral realists even when defending the existence of norms that are external, but supposedly different from independent normative truths, I am interested in (3) and so I focus on what exactly means for constructivism to be empty. The idea is that if normativity is all constructed by some kind of deliberative process,

moral fact cannot get a grip on an agent asking why she should be moral, therefore another fact apt to ground the first fact is needed and so on, in a infinite regress (1996, 28-34).

¹²⁶ "How we would select a procedure without the aid of some other moral views? [...] Either the initial conditions of choice or attitude formation are moralized or they are not. In other words, we are to envision the initial conditions as already incorporating moral constraints, or as operating free of such constraints. The problem with the latter option is that there is no reason to expect that the principles that emerge from such a constriction process will capture our deepest ethical convictions, or respect the various platitudes that fix our understanding of ethical concept. [...] Alternatively, if constructivists import moralized constraints, and so take the former option, then they effectively abandon constructivism, because this path acknowledges the existence if moral constraints that are conceptually and explanatory priori to the edicts of the agents doing the construction. [...] The dilemma pressed against the constructivist is a variation of one first found in the *Euthyphro*. There, the question was whether divine approval constituted the piety of acts, or whether it was simply a good criterion of such acts, their pious nature being constituted by something else" (Shafer-Landaus 2003, 42-43).

as envisaged by Korsgaard by the process of self-constitution, then deliberation itself turns out to be impossible. Indeed, if there are no independent normative standards apt to help individuals identifying their aims, and all normative considerations are within the deliberative procedure, it seems that there is no possibility to weight and consider different normative judgments. If there cannot be normative considerations prior the procedure, for all normativity needs to be constructed and put into existence by the deliberative process of self-constitution, it seems difficult to understand whether the procedure is not being carried out blindly. To make an easy but vivid example, consider a sailboat and a skipper sailing it. If the skipper knows she will be making the right route when following a procedure not relying on any elements independent of the route itself, how is she to decide which route to sail? She needs a destination in addition to the procedure in order to decide the right route, otherwise she will be only cruising and not sailing. Similarly, in the normative case, if there are no normative considerations before the procedure, deliberating, namely judging and weighting, is to run in circles and be random. Consider the situation in which I need to make a normative judgment about a case C and I need to decide what it is the normatively best solution to C. On Korsgaard's account, I know there is no normativity about C besides the judgment I am about to make and therefore that my judgment will be the right one because I will have decided in this way. How am I to decide and to explain my decision? It is important to note that in this situation I can still make a decision about C, but my resolution is arbitrary. I can pick a solution, but "a picking procedure is not a deliberative-choice procedure" (Enoch 2009b, 333).

This is extremely problematic for those Kantian constructivists who care about normative disagreement (or think to care about it) for if the argument is correct and the deliberative procedure is simply a picking procedure, disagreements are to reduce to random differences. If the idea that normative judgments are constructed independently of any other normative consideration means that normative judgments are arbitrary, then normative disagreements need only to reflect clashes of different pickings. If this is correct, Kantian constructivism severely undermines the significance of normative disagreement by reducing it to a battle between random and accidental preferences.

There is another problem that Kantian constructivism holds in relation to normative disagreement worth highlighting. To understand it, consider that it feels somehow curious to talk about disagreement from the point of view of Kantian constructivism for it seems that such a metaethical theory is trying to propose a solution to the problem of disagreement instead of a meaningful explanation. Since Kantian constructivism aims to secure a rational procedure to test one's personal reactions to moral situation in order to verify whether these are to count as moral reasons, it seems that such proposal reduces to a device designed to solve the problem of disagreement. If the deliberative procedure can be followed correctly by any agent facing the same morally relevant circumstance, then disagreement can only be explained away throughout the failures and errors of some agents not understanding correctly how they are to reason and judge about moral matters.

Some versions of Kantian constructivism seem to suggest that characterizing the moral point of view in a formal way does not entail establishing an infallible procedure, always able to get true normative judgments. On the contrary, the procedure is only a way of constraining practical reasoning in order to distinguish what may be considered a reason and what may not. In this scenario, it is possible to admit some sort of indeterminacy in the normative domain: sometimes, agents may not dispose of decisive reasons apt to justify one course of action over another¹²⁷. However, it is not clear whether constructivism can be a hospitable theory to indeterminacy. Cognitivists who are fascinated and convinced by the possibility of normative indeterminacy need to restrict its pervasiveness. If it is considered a too powerful and prevalent phenomenon, such that it prevents individuals to reach consensus on a considerable amount of issues, normative indeterminacy undermines cognitivists' attempts and hopes for true normative beliefs. Therefore, the cognitivists need to show not only that sometimes failure to converge on moral matters is due to indeterminacy, but also that there is a considerable amount of convergence and thus that there is good epistemological mechanism to arrive at normative judgments. Constructivists seem not to be troubled by the first task. Indeed, the problem of accounting for indeterminacy arises when considering two rational individuals, who do not suffer from cognitive shortcomings, discussing an indeterminate normative issue.

¹²⁷ For different understandings of indeterminacy within both a constructivist and a realist framework, see Bagnoli 2012; 2006 and Shafer-Landau 1994.

If they do not suffer from cognitive shortcomings, they should be aware of the fact that the issue they are debating is indeterminate and, in turn, there would be no disagreement for they would agree on the fact that the issue is indeterminate. In this manner, the idea of explaining disagreement throughout indeterminacy would sweep away. This is not troublesome for constructivists for according to their theory there is no normative truth or fact prior the rational deliverances of individuals. As a result, it is impossible to know whether a particular issue is indeterminate before reasoning about it and therefore there is no need to suppose that, when faced with a particular question, individuals should be aware of its indeterminate character. In this sense, constructivists can say that indeterminacy simply arises when individuals with no cognitive shortcomings remain puzzled and cannot formulate a judgment about the situation at hand (Shafer-Landau 1994, 337). However, the real challenge for constructivists lies in the second requirement for indeterminacy, namely the possibility of showing that there is a great amount of convergence in morality thanks to a reliable epistemological method. Given the circularity argument discussed before, it seems that Kantian constructivists inevitably fails on this point.

Cashing indeterminacy in the picture of disagreement is, at least, problematic for Kantian constructivists, but it is important to stress that it is not at all what Korsgaard has in mind for her theory. Indeed, it seems possible to doubt whether, on her account, is an actual possibility to perform an error at all, to fail at reaching normative reasons (Lavin 2004; Kolodny 2005). Consider “the argument against particularistic willing” (Korsgaard 2008, 121-124; 2009, 72-76) in which Korsgaard distinguishes between actions and events. The premise of her argument regards the necessitation of choosing: since action is necessary, rational beings are condemned to choose and thus the act of willing needs to be either universalistic or particularistic. In order to act autonomously, and to conceive herself as the cause of her actions, one needs to identify with something apt to give rise to some action. Principles are what individuals can identify with and this procedure of identification permits the construction of normative reasons and judgments. To will particularistically, on the contrary, amounts to being driven by one’s inclinations and incentives and therefore amounts to will without the guidance of any principles. For these reasons, Korsgaard concludes, particularistic willing is impossible for in order to will at all one needs principles to

identify with¹²⁸. The arguments can be made more explicit by considering a desire to do A, a desire to do B and a principle preferring A over B. If one chooses A over B on the basis of the principle, she can claim the action to be hers and, accordingly, to be responsible for it. On the other hand, if she considers the principle as something external to her, a mere force which operates in within the battle between desire of A and desires of B, she is not acting at all for she is failing the procedure of identification with the principle. Without the identification with the principle, she is not an agent, but only a spectator of her inclinations. Since there is no willing and not acting without identification with principles, following one's inclinations is the same as having no will at all. When Korsgaard, quite obscurely, says that "the function of action is self-constitution" (2009, xii), she means precisely that when one really acts - and is not merely lead by her inclinations- she presents a principles she identifies with and thereby shows herself for what she is. However, if actions are those that constitute agents and there is not such thing as agency to be found in those events that happen on the basis of no principle at all, *actions* can only be principled-based, universal, and therefore good. One of the results of the argument against particularistic willing seems to be that "bad actions" are impossible because, given their particularistic nature, they are not "actions" at all. At the same time, as willing particularistically is impossible, so it is to be a particularistic agent for being one would be in contradiction with the very concept of agency itself¹²⁹.

This problem, which Korsgaard inherits from Kant¹³⁰, seems to rise a great difficulty when it comes to disagreement for if moral errors are not possible, disagreements

¹²⁸ "It is important to see that if you had a particularistic will you would not identify with the incentive as representative of any sort of type, since if you took it as a representative type you would be taking it as universal. [...] A truly particularistic will must embrace the incentive in its full particularity: it, in no way that is further describable, is the law of such a will" (Korsgaard 2008, 124).

¹²⁹ "Particularistic willing eradicates the distinction between a person and the incentives in which he acts. But then there is nothing left here that is the *person*, the agent, that is his will as distinct from the play of incentives within him. [...] There is no difference between someone who has a particularistic will and someone who has no will at all. Particularistic willing lacks a subject, a person who is the cause of these actions. So particularistic willing isn't willing at all" (Korsgaard 2008, 124).

¹³⁰ For Kant the feature that permits to distinguish between actions and events, and what confers moral worth to them, is autonomy. He seems to say that only autonomous actions are free, whereas heteronomous actions are caused by desires and inclinations at play on us. "A rational being counts himself, as intelligence, as belonging to the world of understanding, and only as an efficient cause belonging to this does he call his causality a *will*. On the other side he is also conscious of himself as a part of the world of sense, in which his actions are found as mere appearances of that causality; but their possibility from that causality of which we are not cognizant cannot be seen; instead, those actions as belonging to the world of sense must be regarded as determined by other appearances, namely

may be just brushed away as disputes between some agent and some individual who fails at being an agent, which would be a pretty controversial picture of normative disagreement. But Korsgaard is well aware of the problem. In particular, she knows that for her theory to be successful, it needs to meet the “fallibility constraint” (Lavin 2004; Dick 2011), namely the possibility of making moral errors, because “there is no normativity unless one can be wrong” (Korsgaard 1996, 161). To solve the problem, Korsgaard introduces the idea that there exist principles, and reasons accordingly, that are defective and therefore do not represent the best way for an agent to constitute herself. There are different principles agents may identify with which have different degrees of success in constituting the self of the agent. To elucidate this point, Korsgaard proposes two examples: Plato’s classification of the different political constitutions in the *Republic*, and the character of Harriet in Jane Austen’s *Emma*. By examining Plato’s argument concerning the different ways in which the soul may be governed comparing them to five different forms of government, Korsgaard aims at showing that it is possible to rank different states of affairs. Following Plato, she argues that moving on a spectrum which starts with aristocracy and ends with tyranny, the nearer a form of government is to aristocracy the more it is likely to have a stable and not prompted to break down society, and vice versa. In this sense, it is possible to say that timocracy is better than oligarchy and democracy better than tyranny on the scale of how these political regimes solve the problem of the constitutive aim of government (Korsgaard 2009, 163-170). Indeed, there are better and worse solutions to it, as there are different principles of choice, which can be ranked in a similar fashion. Plato’s example is used by Korsgaard to show that it is possible for agents to really act on principles that are not entirely good in the sense that they do not fully realize self-constitution.

To illustrate how a bad principle may fail at fully constituting an agent, Korsgaard uses the example of Harriet, an autonomous person, who decides to lead her life according to the principle that she will do whatever her friend Emma thinks she should do. Korsgaard argues that “this is autonomous action and yet it is *defective* as

desires and inclinations. All my actions as only a member of the world of understanding would therefore conform perfectly with the principle of autonomy of the pure will; as only a part of the world of sense they would have to be taken to conform wholly to the natural law of desires and inclinations, hence to the heteronomy of nature” (Kant 1785, 4:454).

autonomous action. Harriet is self-governed and yet she is not, for she allows herself to be governed by Emma [...] She allows herself to be governed by her choices by a law outside of herself" (2009, 162). In this sense, Harriet is performing an action for she is identifying herself with a principle apt to give her reasons. However, the principle she decides to conform with is a defective one because it does not permit her to fully constitute herself as an agent, as a cause of her actions. So, bad actions are possible for individuals may fail at choosing the best principle available to them and choices can be ranked on the basis of what principles better realize the self-constitution of agents.

Having provided a solution to the problem of the fallibility constraint, Korsgaard is able to provide a better understanding of disagreement compared to the one saying that normative disagreements on her account need to amount to disputes among agents who choose in force of principles, and individuals who follow their incentives and therefore are not agents. The possibility of bad actions, considered failures in selecting the best principle to constitute oneself, permits to understand disagreements as disputes among agents concerning what is the best principle to act on in a particular situation, and how to best rank them. Although agents in such scenario can challenge each other on the matter under discussion, the problem I envisage with such an understanding of disagreement lies in the fact that the kind of arguments they are to provide to each other do not concern reasons, but individuals as they are. Indeed, if reasons reflect the principles of choice individuals identify with in a particular situation, when two agents disagree they cannot mean only that the other is getting it wrong about the question at hand. Rather, they need to mean that the other's relation with the world and with her own self is wrong. Even if it may well be reasonable for Emma to confront Harriet about her choice of following the principle of submission, and to tell her that she misunderstands what principle can better constitute her as a person, not all cases are like the one portrayed by Jane Austen's novel. Consider two individuals, Michael and Daniel, disagreeing about voluntary euthanasia. Michael judges that voluntary euthanasia is right because if an individual is suffering considerable pain due to an incurable illness, then in some cases that individual's death is in his or her interest, whereas Daniel judges that voluntary euthanasia is wrong because it is never the case that the death of an individual corresponds to her own interest. If Kantian constructivism is true and individuals disagree because they

identify with different principles that may be more or less good at unifying their identities, Michael and Daniel cannot bring themselves to attack only their opponent's idea. On the contrary, they need to be putting in question the other's way of being in touch with the world and with his own process of evaluation. Michael needs to tell Daniel that he is not able to see that he would be such a better agent if he could understand that life is not absolute and that sometimes interests are complex. Similarly, Daniel needs to tell Michael that he does not understand who he really is by not seeing that he would be a better agent if he could understand that life is absolute. My point is that within Kantian constructivism, individuals involved in a disagreement are to not to consider the other's ideas wrong, but to think that their opponent *is* wrong. For these reasons, it seems that Kantian constructivism requires individuals at disagreement not to respect the actual disputants participating in it, which is a quite controversial and undesirable outcome. My point is that a theory tiding up normative judgments and personal identity so closely inevitably runs the risk of allowing disrespectful behaviours because disagreeing with one's ideas leads to disagreeing with what she is and the way she acts within the world. According to Kantian constructivism, individuals cannot help to criticize their interlocutors when they try to criticize their ideas precisely because identities are the sources of normativity. In this sense, within such a view there can be no distinction between respect for ideas and respect for individuals, which is a highly controversial outcome for Kantian constructivism's leading idea that normativity flows from individuals and their identity. These considerations do not of course mean that moral convictions do not concur in defining the kind of person we take ourselves to be, or do not contribute to the construction of our personal identity and of the imagine others have of us. However, arguing that normative judgments are entirely created by what we are is different and dangerously disrespectful in the circumstance of disagreement.

4.5 Cognitivism, third attempt: moral realism

To put it in a rough way, realism is a metaphysical thesis about morality holding on three considerations: first, normative judgments are truth apt; second, normative

judgments reflect some kind of normative facts¹³¹, which exist independently of human beings' capacity to grasp them; third, some normative judgments are actually true. Moral realism is thus characterized as antagonistic with respect to non-cognitivism, moral constructivism of any sort, and error theory¹³². Moral realism is a theory about the truth-makers of normative propositions defending the idea that the truth of normative judgments does not depend on any mental state human beings may display, but reflect the reality of a moral independent world. Accordingly, for moral realists normative judgments do not change when individual's attitudes and beliefs change. On this view, the wrongness of torturing babies for fun is an objective fact: it is an absolute and objective normative truth that we should not torture babies for fun and such fact holds independently of our desires or wills. The idea is to work in analogy with mathematical or physical facts. As it is a fact that we are constrained by the law of universal gravitation, so it is a fact that we should treat others with respect; as scientific propositions try to describe the reality of our physical world, so normative propositions try to describe the reality of our moral world.

It is not difficult to understand what are the reasons counting in favour of moral realism. Not only it provides us with a powerful rejection of relativism in defending a robust standard of objectivity, but it also seems to fit perfectly with our common usage of normative language. Indeed, it is undeniable that moral realism scores some plausibility points with its capacity to account for the way individuals use normative propositions. When one says that "torturing children for fun is wrong", she wants to announce neither that she does not like it, nor that such action is unjustifiable under certain conditions. She wants to say that torturing children for fun *is* wrong. This is particularly evident when the phenomenon of disagreement is considered for when individuals disagree about moral matters, the disagreement feels and appears as a disagreement about an objective and real matter of fact, and in this sense the

¹³¹ For the purpose of this work in general and for this chapter in particular, I do not need to distinguish among different sorts of moral realism, taking side on the debate about naturalism and non-naturalism, for example. Although I do have a strong conviction that the most convincing form of moral realism is the one defending the existence of non-naturalist, irreducible normative truths, defending and fostering it falls outside the scope of this work.

¹³² According to the error theory, normative judgments are beliefs that ascribe normative properties and relations, even though such properties and relations do not exist. As stated in fn. 25 of this chapter, I am not here considering theories not admitting the possibility of normative judgments. For defences of error theories, see Mackie 1977; Joyce 2001; Olson 2010.

phenomenology of disagreement seems to support moral realism¹³³. But can moral realists get away with it so easily when it comes to the explanation of normative disagreement? To answer this question, it is important to note that there is no easy relation between moral realism and disagreement for the longest standing argument against moral realism is directly derived from the existence and persistence of moral disagreement. In what follows, I present and discuss the argument from disagreement¹³⁴ showing that moral realists can discuss and rebut its challenge. Subsequently, I propose a positive argument for the need of a realist framework to practically engage in normative disagreements. In this sense, my strategy is twofold because it is defensive and affirmative at the same time.

The argument from disagreement is meant to use the persistence of normative disagreement as a proof that moral realism is false and should be rejected¹³⁵. To achieve this aim, proponents of the argument focus on both a problem of explanation and a problem of method in addressing normative disagreements from a realist point of view. The argument begins with a descriptive statement and runs as follow:

(1) Among and within societies, disagreements about moral issues are widespread. This is nothing but a fact of anthropology.

(2) Since individuals do not converge on moral issues contrary to what happens among scientists, normative disagreements need to differ from scientific disagreements. There is no rational method to decide normative disagreements,

¹³³ Of course, to claim the truth of their theory, moral realists need to account for some metaphysical and epistemological worries traditionally associated with the defence of the existence of independent moral facts. Such worries concern the nature of moral facts and thus whether moral realism can accommodate and conciliate its position with our knowledge of the natural world, namely with the picture of the natural world provided by the natural sciences. Furthermore, moral realists put up different strategies to account for the epistemological challenge of explaining the relation and connection between normative judgments and normative truths. However, since my intent is only to explore how different metaethical understandings account for the phenomenon of disagreement, I shall limit my discussion to how moral realism may cope with it, as I have done for the other metaethical proposal here considered.

¹³⁴ I limit my discussion to the classical version of the argument from disagreement, as presented by Mackie and Williams. For a comprehensive overview of all the arguments from disagreement proposed against moral realism see Enoch 2009a.

¹³⁵ It is interesting to note that the argument from disagreement has been usually employed not only as a reason against moral realism, but also as a favourable case for a relativistic vision of morality. Indeed, Mackie calls it *the argument from relativity* (see Mackie 1977, 36). In this work, I do not analyse whether the argument from disagreement succeeds in establishing moral relativism, but only its grip on moral realism.

whereas scientific disagreements result from speculative inference based on insufficient evidence¹³⁶.

(3) The best explanation for disagreements about moral matters is that such disputes do not reflect an objective reality of value. On the contrary, “the actual variation in the moral codes are *more readily explained* (italics mine) by the hypothesis that they express ways of life than by the hypothesis that they express perceptions [...] of objective values” (Mackie 1977, 37).

(4) Moral claims reflect ways of life and cultures; they do not refer to an objective moral reality.

5) Therefore, relativism is true and, consequently, moral realism is false.

It is important to note that the argument does not state that since people disagree, then there cannot exist objective moral facts or truths. Indeed, it is not a mystery that scientists heavily disagree about their theories. For example, the fact that there is no convergence on which theory best accounts for the aids pathogens¹³⁷ does not turn into a widespread confidence that there is no fact of the matter concerning whether it is hiv infection to cause the disease. Rather, the argument from disagreement focuses on the disanalogy with the scientific world to highlight the fact that, in a scientific disagreement, it is very easy to have an idea of the sort of evidence and the sort of procedures that would rationally settle the matter, whereas in a normative disagreement it seems that there is not evidence at all.

It is clear how this is a specific problem for moral realists: if moral truths exist, why normative convergence does not happen? Notice also that the moral realist cannot eschew the dilemma by claiming that all normative disagreements are in fact disagreements about the non-normative facts. To claim that normative disagreements amount to disagreements about non-normative facts would be to claim that when individuals do not converge on a unique solution when confronted with a normative problem, they always agree on *what* should be done, but disagree on *how* it should be done because they diverge on how to best interpret the contingent circumstance facing them. Consider a situation in which we are dealing with a problem of

¹³⁶ “In a scientific inquiry there should ideally be convergence on an answer, where the best explanation of the convergence involves the idea that the answer represents how things are; on the area of the ethical, at least at a high level of generality, there is no such coherent hope” (Williams, 1985, 136).

¹³⁷ For an exhaustive inquiry into the problems of Aids pathogenesis, see Crupi 2007.

representation for minorities in particular areas of employment and we disagree about which policy is the most effective to solve it in virtue of our different readings of the social circumstances we are currently in. Some argue that affirmative actions are needed, whereas others argue that the same affirmative actions are to be avoided because those very social circumstances make the actions unproductive and, thus, the problem of representation is to be approached in a different manner. If all normative disagreements are in fact disagreements about the non-normative facts, they would always be a sort of replica of this case. However, although it is true that some normative disagreements may take this form and be caused by different readings of the non-normative facts, it seems that others need to regard what should be done rather than how to do it. Consider the disagreement about death penalty. This is undeniably a normative disagreement in which non-normative facts play a role, for there are different understanding and convictions about its factual deterrent effect, but whose key problem is represented by different views about justice. A disagreement about death penalty is a disagreement between a retributive view of justice and an absolute conviction concerning the inviolability of life. The point is that even if we could arrive at convergence on the deterrent effect of death penalty by virtue of some conclusive study about it, we would still disagree about whether it is normatively acceptable to kill someone convicted for a particularly dreadful crime. As Mackie notices¹³⁸, it seems extremely hard to believe all normative disagreements amounts to different non-normative understandings and that, once all non-normative facts will be discovered and explained, all normative disagreements will be solved. If normative disagreements are interesting at all, some of them need to be not only apparent.

The argument from disagreement is an important objection to moral realism for it has been very influential in the literature and moral realists need to take it seriously. For their theory to succeed, realists need to provide some explanation for the existence of persistent and intractable normative disagreements, in which none of the

¹³⁸ “[Realists can claim] that the items for which objective validity is in the first place to be claimed are not specific moral rules or codes but very general basic principles [...] It is easy to show that such general principles, married with different concrete circumstances, different existing social patterns or different preferences, will beget different specific moral rules [But] the argument from relativity can only be partly countered in this way. [These general principles] are very far from constituting the whole of what is actually affirmed as basic in ordinary moral thought” (Mackie 1977, 37).

contenders can actually convince the other of the merits of her own position. Before directly tackling the objection, it is important to stress that an important part of the appeal of the argument from disagreement has to do with the disanalogy with the natural sciences. Indeed, it seems to be a sort of truism in ordinary talks the idea that the normative domain needs to radically differ from the natural one given the different deliverances and methods of inquiry moral philosophy and science have. However, it is not too difficult for moral realists to arouse some scepticism about the idea that what happens in the natural science is completely different from what happens in moral philosophy. They can point out that even if we disagree over many normative issues, there is also a great consensus on many others. As Pettit argues, “we may disagree [...] about the justifiability of treating women in a certain fashion and about the desirability of capital punishment. But such disagreements are quite consistent with agreement on deeper matters like the justice of treating similar cases similarly, or of allowing no one arbitrary, unchallengeable discretion over the destiny of another” (2001, 255). Moreover, moral realists can highlight the fact that there has been a considerable progress over time about normative issues, and certain controversies, over slavery or women’s voting for example, are simply out of time and no longer constitute a problem (Brink 1989, 208). Finally, some scholars have noted that the efforts to study moral concepts and develop normative theories are not comparable with those of the natural sciences. The number of persons involved in the project of analysing and constructing moral theories is infinitely less than that of scientists involved in the study of physics, chemistry, biology, and so on. It is plausible to think that more progress and more convergence will eventually be reached if normative philosophy will proliferate more (Brink 1989, 205-207; Parfit 1984, 453-454; Nagel 1979, 143-144). I do not mean these considerations to defeat the argument from disagreement, but they undeniably weaken its immediate appeal.

To rebut the argument from disagreement, there is a simple and straightforward strategy available to moral realists: to show that the falsity of moral realism does not follow from the fact that moral claims do not refer to objective normative truths. This argument starts with the consideration that moral realism is an ontological theory concerning the existence of truth makers, not an epistemological position about the possibility of normative knowledge. Therefore, the fact that moral claims do not refer

to an objective moral reality does not undermine the possibility for an objective moral reality to exist. It may be possible for moral facts to exist even if moral claims never refer to them, therefore, sociological relativism and metaethical realism need not to be in contradiction. This response is relevant because it shows that there is a gap in the argument from disagreement for it begins from an epistemological premise to reach an ontological conclusion, and it neglects the distinction between truth and justification, which is particularly important for moral realists. Indeed, if truth and justification are two separate things, arguing that normative disagreements are not rationally resolvable does not necessarily imply that objective moral truths do not exist. At most, it might prove that no objective normative belief is ever justified. To put it shortly, for the argument from disagreement to succeed, it needs to provide an explanation for the shift and the necessary bond between the epistemological and the ontological domain. Without such an explanation, the argument from disagreement fails to meet the target of moral realism.

Although moral realists can successfully rebut the argument from disagreement, this reply does not by itself allow them to celebrate. Indeed, if this response is all moral realists have to say about the issue of disagreement there are reasons to consider their theory unsatisfactory for limiting the reply to showing the inconsistency of the argument seems to imply not only that objective normative beliefs may be never justified, but also that addressing the problem of normative disagreement falls besides the scope of moral realism. These two developments are disappointing for they make moral realism uninteresting and inevitably flawed. For this reasons, it is important to understand whether moral realists can provide an overall satisfactory account of disagreement.

In explaining the reasons why disagreements arise, moral realists can resort to the possible interferences individuals may be subjected to when deliberating and disagreeing with others. The idea is simply that disagreements may happen because individuals can be mistaken about a certain normative matter: many moral issues are complex and they may be subjected to cognitive shortcomings (we do not always understand everything, reason carefully, have the sensibility to understand the feelings of others or the capacity to put ourselves in their shoes). It is important to understand that the class of cognitive shortcomings is wide and varied. The idea is that

cognitive errors do not amount only to those errors concerning the epistemological capacity to grasp normative truths, but also to the fact that individuals sometimes are biased by the effect of psychological and personal factors. In this sense, the explanation of normative disagreement is not cast entirely on the cognitive mistakes connected to the possibility of rightly capturing moral truths. Indeed, since within a realist approach a normative error is a cognitive error and moral realism is an ontological thesis perfectly compatible with a fallibilist¹³⁹ approach in epistemology, it may be a temptation to say that since individuals can, and sometime are, badly and systematically mistaken, normative disagreements simply are the result of errors in grasping moral truths. However, moral realists need to be careful on this point for they may want to hold on to epistemological fallibilism, but they also want to avoid scepticism. What would be the point of defending a strongly objectivist theory, with a controversial metaphysics, if all normative beliefs turn out to be fallible and maybe false? Moreover, if realists treat every serious normative disagreement as a dispute in which one of the parties (or all of them) are systematically mistaken, they fail to appreciate the relevance of disagreement and end up suggesting a dismissing attitude towards any opponent to their preferred views, which is an undesirable result. So, moral realists need to state that it is wrong to depict normative disagreements only as situations in which someone is making a normative mistake, in the sense of failing at grasping moral truths, because it would be “to over-intellectualize what is going on in such cases” (Shafer-Landau 2003, 217). On the contrary, moral realists can provide a richer understanding of the nature of cognitive shortcomings, in which cognitive misalignments are given a prominent place. Within the engaged perspective of one involved in a disagreement, there are many different factors playing a crucial part in her attitude in the dispute. Being engaged in a disagreement inevitably arouses many different aspects of one’s convictions, beliefs, character, interests, and so on. Consider prejudices, which may lead one to consider a certain belief over another besides their validity; the different degree of sensitivity towards others’ feelings individuals have by their character; how individuals can be manipulated; the difficulties which can be

¹³⁹ “To believe a proposition is to believe that it is true and that contradictory propositions are false. A moral realist, therefore, must regard those who disagree with her as mistaken. But this does not imply that she must hold her moral beliefs dogmatically. She can and should keep an open mind about moral issues, engage the opposition in dialogue, and reassess the evidence from time to time. For, as a realist, she can also be a fallibilist” (Brink 1989, 94).

encountered when deciding whether a certain piece of evidence is actually relevant for the dispute at hand; the distorting effect of self-interest that inevitably influence individuals' beliefs. In the end, normative matters are very complex and given the particularly firm aspiration of normative beliefs, which aim to be universal, general, etc. and the demanding indications they make on individuals, it may well be the case that human beings have a sort of psychological device set to protect their interests. Enoch, for example, argues that it is typical of morality, and of normative disagreement in particular, to have a lot at stake in terms of psychological payoffs. The idea is that when reasoning about normative matters, individuals put a great part of themselves in the process. For this reason, individuals' personal interests in integrity and personal identity are not only to be taken into account, but also to be preserved when facing a normative problem. It might well be the case that someone would prefer to defend her personal commitments and way of feeling about herself rather than to recognize the truth of certain principles. Drawing from the discussion upon Peter Singer's idea that we should give almost all our money to charity to famine relief and that if we fail to do so we are condemned to moral corruption (Singer 1972), Enoch argues that disagreement about the rightness of such principle can be explained in some people's will to preserve their personal integrity in deciding between giving up their belongings and feeling horrendous and morally despicable (2009a, 25-28). The principle says that if we do not give most of our money to famine relief we are to be considered morally objectionable, almost as murderers, but this is an extremely high price to be moral for either we lose all our belongings or we need to live with the idea that we are horrible persons. So, Enoch argues, it is reasonable to explain this case (and many other cases) of moral disagreement without resorting to antirealism, and to consider the psychological threats posed by the demandingness of morality instead.

By describing the class of cognitive errors in such a rich and various manner, moral realists can provide a reasonable explanation of the intractability of normative disagreement and hit the argument from disagreement on the same ground, that of the analogy with the natural sciences. Indeed, by highlighting how heavily self-interests and other psychological shortcomings impact on normative disagreement, moral realists can also explain the difference between normative and scientific disagreements. Normative matters are more capable of arousing such distorting

effects because there is much more at stake in controversies about them than in other kinds of discussion. In debates within natural science, about elementary-particle physics for example, there is not as much at stake as in debates about normative matters, whether voluntary euthanasia is permissible for example¹⁴⁰.

However, it seems that if moral realists identify the causes of normative disagreement in cognitive errors only, they fail to capture the entire story about disagreement. As it seems extremely unlikely that full knowledge of all non-normative facts would sweep away all disagreements, so explaining all normative disagreements as caused by some kind of shortcoming, let it be normative or psychological, seems to miss the target of certain kinds of disagreements. As it seems wrong to think that if we understood everything there is to know about the physiology of the fetus we would all agree on whether abortion should be permissible, so understanding abortion as a disagreement in which one of the parties is simply mistaken seems to make a move to eschew the real issue at hand. The problem is that sometimes it seems extremely difficult for moral realists to pinpoint the cognitive defect responsible for certain normative disagreements. To solve this difficulty, moral realists can appeal to an argument from indeterminacy and state that some normative issues do not have a unique and determinate answer. In this sense, if there are indeterminate issues, there is no need to explain disagreement only in terms of one of the parties' shortcomings. Rather, some normative disagreements can be understood as cases in which there are normative relevant considerations, which do not lead to a uniquely correct answer about what should be done. Being a theory which claims not only that there are moral facts, but also that they obtain independently of human beings, moral realism does not provide even a "presumptive support for the claim that the stance-independent world must be precisely, perfectly, and entirely determinately ordered" (Shafer-Landau 1994, 342). Moreover, it is important to note that indeterminacy is not to be considered a kind of special feature of the normative world. Non-normative investigations have to deal with indeterminacies too and non-moral concepts can be

¹⁴⁰ "There is wide disagreement about scientific and social facts, especially where strong interests are involved [...] This last factor is present in ethics to a uniquely high degree: it is an area in which one would expect extreme variation of belief and radical disagreement however objectively real the subject actually was. For comparably motivated disagreement about matters of fact, one has to go to the heliocentric theory, the theory of evolution, the Dreyfus case, the Hiss case, and the genetic contribution to racial differences in I. Q." (Nagel 1986, p. 148).

vague for even in the study of natural science there are certain areas of inquiry which need to acknowledge for indeterminacy in the description of the physical world. To make an example, it is a common problem for biologists to define the word “species”. Definitions are usually based on how individual organisms reproduce, but such an account does not suit all kinds of organisms (e.g. bacteria). Moreover, it is difficult to decide which species an organism belongs to because reproductively isolated groups may not be readily recognizable. It is a problem of identification and of application of concepts, which are vague and indeterminate.

Of course, moral realists cannot rely too heavily on indeterminacy to explain normative disagreement, otherwise they would lose sight of why they are moral realists in the first place. If it was the case that most relevant normative questions were indeterminate, then it would be reasonable to think that there was no independent moral reality and that moral realism was false. Therefore, a necessary requirement for the argument from indeterminacy is that indeterminacy needs not to be pervasive¹⁴¹. Finally, it is essential to understand that cashing indeterminacy into the picture does not lead to the conclusion that all the parties at an indeterminate disagreement are to be considered mistaken (Schiffirin 2003, 253). If indeterminacy is at play there simply is no uniquely right answer and, in this sense, the parties at disagreement are not mistaken, but they are not entirely correct either. If certain normative answers are really indeterminate, disputes about them do not concern individuals’ cognitive competence. As Sosa writes, if certain normative answers are indeterminate, “we may reasonably conclude that [...] it is understandable that no one should be in a position to mirror them, that no one should enjoy such competence” (Sosa 2001, 222).

The argument from indeterminacy, which is a commonplace in contemporary metaethical debates about disagreement¹⁴², stands in need of clarification. The point is to understand what it means for a certain issue to be indeterminate, namely to have no unique and fixed answer. In what follows, I briefly discuss some particular cases relevant for the case of indeterminacy. Consider the dispute concerning abortion. The problem within this harshly debated controversy lies in the concept of personhood for the beginning of an individual’s life (when she is recognized, or begins to be

¹⁴¹ I return to this point later in this section.

¹⁴² See Boyd 1988, p. 199-201; Brink 1989, p. 202; Wiggins 1990-1991; Shafer-Landau 1994; 2003, pp. 215-228; Sturgeon 1994; Gert 2005, p. 311.

recognized, as a person) cannot be established in a scientific manner. It is simply vague. The problem is that the notion of personhood in the abortion controversy is not fixed, but it concerns the development of the zygote. As for the classification of species among biologists, establishing when a person starts is controversial because the concept of personhood is not static: it is a sort of unfolding concept, and for this reason vague, for it is indeterminate how it refers to the objects of the world, namely to the embryo before the birth.

Indeterminacy does not come into play only when concepts and criteria for classification are vague, but also when the object of disagreement concerns the future, which is unpredictable and uncertain. Consider the problem of retirement policy and the disagreement about tax-funded pension systems. In recent years population ageing has been widely recognized as a major issue influencing retirement income policy, which additionally raises by itself questions of fairness and intergenerational justice and equality. Indeed, whether a tax-funded pension system is sustainable depends on the balance between the number of recipients and the number of taxpayers who contribute to it. The problem is that given the unstable and unpredictable nature of the circumstance in which the problem is grounded (increased ageing; the number of retired and employed populations; the different life expectancy depending on living conditions and opportunities), the disagreement about which retirement policy is the best cannot help to be indeterminate. Since it is impossible to predict the future and to know the contingent circumstances a society may face, individuals with no cognitive shortcomings and aware of all the relevant non-normative facts may have diverging and contradictory opinions and fail at reaching a definitive answer, at converging on a single option¹⁴³. I have chosen these two examples to show that some disagreements may be caused by indeterminacy because of the nature of the concept and circumstances at play. Although not all disagreements are the result of indeterminacy, it is important to point out that the two cases I brought to attention are not the only possible indeterminate issues. The problems of how to classify and assess the moral status of non-human entities, and of

¹⁴³ "The realist can suggest that the nub of the tradition criticism has to do, not with the *persistence of disagreement*, but rather with the *absence of convergence* on the identity of a single option as uniquely best for a given context" (Shafer-Landau 1994, 343).

how to define the boundaries of the concept of death when it comes to euthanasia are other important issues in which indeterminacy has a role.

One objection that may be posed against the argument from indeterminacy concerns how individuals should behave in cases of indeterminate normative matters. The idea is that if it is true that individuals know that they are dealing with an indeterminate question and therefore fail at properly describing the best normative response to it, rationality would require them to suspend their judgment about the issue at dispute. If there is no way to find the right answer because there is no right answer given the indeterminate nature of the question, would it not be more reasonable for the disagreeing individuals to just call the whole thing off? Since they do not disagree about whether the problem they are dealing with is indeterminate, they should be happily shaking hands about the irreconcilable status of their discussion. I do not think this is a serious threat to the argument from indeterminacy for it is highly plausible to think that fully informed, flawless individuals would keep discussing even when knowing that their question is indeterminate. This is so because throughout discussing each party's point of view it is possible to understand whether the problem is correctly framed. The point is that disagreement remains a boost for inquiry and thought even when it is indeterminate¹⁴⁴. Moreover, from a practical point of view, it seems very unlikely that individuals discussing an indeterminate normative matter could just leave it aside and keep going with their lives. It might not be too costly to ask individuals to live in the *twilight zone* (Sosa 2001, 221-224) when it comes to deciding when daytime turns into night time, but it is surely too demanding to require them to set aside relevant normative issues, such as whether distribution should be guided by the needs of all or the merit of those who contribute or whether voluntary euthanasia should be permissible. Normative matters are too important for our lives to be just left out of discussion, and since they concern how we are to treat one another, they require some sort of response.

Although moral realists can rebut the objection discussed above, to succeed the argument from indeterminacy needs a radical constraint. As already pointed out,

¹⁴⁴ "Even if my friend and I suspect that our question is initially framed has no uniquely correct answer, we learn in discussing it. One of the most important things we learn [...] to reframe the question, and [...] we learn that partly from one another [...] This seems to me to happen all the time with more complex questions in almost all disciplines" (Sturgeon 1994, 113).

indeterminacy can help moral realists to explain normative disagreement and preserving its persistent and faultless character, but indeterminacy cannot be a too pervasive phenomenon, otherwise it would make moral realism pointless. If indeterminacy is not contained, it ends up consuming moral realism. As Enoch notes, “if indeterminacy is to play a key role in the explanation of disagreement, it follows that most cases of (genuinely) moral controversies [...] must be indeterminate [...] This would leave very little [...] as determinate moral truths [...] and this is certainly not a victory for the realist” (2009a, 25 fn. 39). In this sense, the argument from indeterminacy can be successful only if moral realists can assure their interlocutors that there is a significant number of determinate answers for normative questions¹⁴⁵. This is the reason why the argument from indeterminacy should be considered only a part of the whole realist strategy to disagreement. Indeed, I think the most promising realist’s response to the argument from disagreement needs to rely on the claim that the normative domain is sometimes indeterminate with parsimony. Even if there is no possibility to reach a uniquely correct opinion when confronted with certain normative disputes maintaining that moral ties are possible and that, sometimes, normative considerations are incommensurable, moral realist can still argue that most moral disagreements do have correct answer and are resolvable, though they may be not resolved yet. Indeed, moral realists can acknowledge that the phenomenon of indeterminacy is neither widespread nor prevalent by pointing out that normative disagreements sometimes actually depend on disagreements about normative and non-normative facts. Moral realists can combine different explanations and retain that the causes of normative disagreements are various: they are not only the result of disagreements about non-normative facts, or due to cognitive shortcomings, but sometimes they also arise because of the indeterminate character of certain normative issues.

Finally, it is important to note that moral realists have a story about the sort of epistemological mechanism apt to detect moral truths. Although it is correct that the epistemological challenge is a pressing problem for moral realists, as it is for all

¹⁴⁵ “What is essential to cognitivism [...] it is only that there will be a sufficiency of cases where the counsel of perseverance is the right reaction to the disagreement that is found; and that plenty of seemingly central questions of ethics will either collect convergent answers [...] or will occasion the kind of disagreement for which the counsel of perseverance is the right reaction” (Wiggins 1990-1991, 77).

cognitivists, it is not that they have no means to answer it. They need to show that it is possible to know at least some correct answers to normative questions otherwise realism would collapse into scepticism and the response to the argument from disagreement would fail. Here, I do not provide a comprehensive argument concerning how to cope with this challenge for the limited scope of my discussion is only to show that moral realists *can* rebut the argument from disagreement and provide a satisfactory explanation of it. In this respect, the first consideration that realists can highlight concerns what it means that a truth is inaccessible. As Tersman notes, there are different senses of inaccessibility and saying that it is never possible for anyone to grasp a certain answer is different from saying that it might be possible that no one would come to know it¹⁴⁶. This is important for one way of putting the challenge may be to say that moral realism is false because normative truths must be necessarily detectable¹⁴⁷. But there is no reason to accept such a strong requirement. It is important to understand that realists are not required to show that all moral truths are detectable, but only that some of them are. So the task is to be able to provide some sort of argument to explain the correlation between some normative truths and some corresponding normative judgments (Enoch 2011a, 158-163) and therefore how we can come to know certain correct normative answers. The worry that it might be more difficult for moral realists to explain accessibility is derived from the argument from queerness, namely the idea that philosophical parsimony should lead us to eliminate or reduce the number of strange entities in our views of morality. The idea is that since not only moral truths or properties are different from anything in the universe (and for this reason queer), but also because we should postulate some special and strange faculty of cognition to know them, moral realism is refuted (Mackie 1977, 38). It is clear that the problem for realists is that of scepticism: if they cannot provide an argument for the possibility of grasping some correct answers because the epistemic mechanism they propose is implausible, then scepticism

¹⁴⁶ "Saying that the truth of some claim *p* is "transcendent" we could mean that its truth cannot be detected, not even by someone whose cognitive situation could not be improved (i.e., who is not subject to any cognitive shortcomings). On the other hand, we could mean that someone *might* fail to apprehend its truth, even if he is optimally equipped from a cognitive point of view" (Tersman 2006, 70).

¹⁴⁷ Remember that the argument from disagreement also claims that since there is no method to solve at least some cases of normative disagreement, then in such cases there is no normative truth at stake. The implicit move in the argument is that if there is a method, then there are normative truths; there cannot be normative truths if we cannot have a method to detect them.

inevitably comes into the picture. I do not think that it is possible to refute radical scepticism as a whole philosophical position and moral realists need to live an uneasy tension with it. However, this does not mean that they need to succumb to scepticism for they can show that the normative domain is not all that special when it comes to the threats of scepticism. Rather, the normative domain can appear very similar to many other non-normative realms. Therefore, either one is sceptic all the way down and is ready to think that she is a brain in a vat, or one cannot be a sceptic when it comes to the normative domain only. Indeed, there is no reason to think that normative facts need to differ from non-normative facts. Consider, for example, mathematical truths. Certainly, they are not normative in character, but they seem as strange and queer as the normative ones, though we do not perceive them as mysterious and abnormal. Moreover, “there need not be any *dichotomy* between getting it right in matters of ethics, however distinctive that is, and getting it right in matters of fact” (Wiggins 2005, 7 emphasis in the original). There is no need to postulate or invoke a peculiar and magical cognitive faculty apt to grasp and intuit normative truths. Indeed, such truths not only may be natural in kind, but they may also be non-natural and not at all strange. As Wiggins argues, we can conceptualize non-natural properties simply as properties that need not pull their weight in a scientific picture of the world and there is no reason to think that this should imply that human grasping of natural properties is better than that of non-natural one. Drawing on Putnam’s criticism of the fact-value distinction, Wiggins argues that “the presence of such properties, that is of value properties, is ascertained by all the multifarious means that are called for by the exercise of our grasp of this and that ethical concept” (2005, 10 emphasis in the original). In this sense, there is no reason to think that normative truths are necessarily and substantially more difficult to grasp than non-normative truths for normative truths need not to be considered mysterious entities.

So, as I argued, moral realists can resist Mackie’s argument and provide explanation for normative disagreement and its intractability. The arguments I discuss in this paragraph are different in kind. First, I put forward a defensive argument to resist the claim that the best explanation for the lack of agreement on normative issues is that there is no independent moral reality. Second, I presented an explanatory argument to

show that moral realists can provide a convincing and complete account of the phenomenon of disagreement. In what follows I propose a positive argument aiming to show that, when it comes to point of view of participation, normative disagreement is best understood within a realist framework. Such positive argument is an instantiation of Nagel's claim for the explanation of normative truths (1986, 144-147) and Enoch's discussion of deliberative indispensability of normative truths (2007a). Enoch's aim is to show that normative truths, though not explanatory indispensable, are deliberative indispensable, in the sense that they are necessary for the project of deliberating and deciding what to do. In this sense, deliberative indispensability justifies believing in the existence of independent normative facts. Challenging Harman's *argument from explanatory impotence*¹⁴⁸, which claims that since moral facts are explanatory redundant there is no justification to believe in them, Enoch argues that we might have reasons to believe in moral truths even if they play no appropriate explanatory role. This suggestion rests on a two-steps argument whose starting point concerns the intrinsically indispensability of deliberation. The idea is the one, shared by constructivists, that the project of deliberation is one human beings cannot avoid engaging in, individuals simply cannot (and should not) give up the activity of asking themselves what they should do, what they should believe, how they should reason, and what they should be concerned with. "The deliberative project is not one we can opt out of, it is not optional for us" (Enoch 2007a, 34). The second step is devoted to show that normative truths are instrumentally indispensable from the first person deliberative standpoint. In this sense, individuals cannot avoid deliberating, but they would not be able to engage in such deliberation if they did not believe in the existence of independent normative truths. If those truths were not to exist, the project of deliberation, which individuals cannot fail to engage, would be

¹⁴⁸ Harman presents his sceptical challenge to moral realism by considering the case of someone who sees a bunch of children setting a cat on fire and immediately thinks that it is wrong. The question is whether that person needs any normative fact to form the belief that what the children are doing is actually wrong. According to Harman, to explain why the person thinks that those children are wrong it suffices to examine some non-moral facts about the circumstances the cat and the children are in (for example the fact that the children are pouring gasoline on the cat) and some non-moral facts about the person's psychology and culture (for example, the fact that culturally we find causing unnecessary pain repugnant). Harman contrasts this case with that of a physicist who sees a vapour trail in a cloud chamber and thinks: "There goes a proton". The difference between the two cases lies in the fact that in order to explain the physicist's visual experience it is necessary to assume that there is a proton, whereas it is not necessary to assume that there is a property of moral wrongness to explain why a person would form the belief that it is wrong to set a cat on fire. See Harman 1977, 6-10.

undermined and subverted. To understand why independent normative truths are instrumentally indispensable for deliberation, consider a situation in which a person needs to make a decision about her own future, let it be about whether to find a job or study at university; to have a bettering though not strictly necessary surgery; to become pregnant and have a baby. In each and all these circumstances, the person who is in charge of making a decision for herself is to engage in deliberation and ask herself questions about what she should do: what decision would make me happy the most? In which scenario do I fit in best? What kind of things are the most important for me to achieve? What do I care about and how strongly I feel about these actions? And so on. The point is that when these questions are put forward within a deliberation, the person who is deliberating expects them to have answers. If those questions had no answers it seems that there would be no point in deliberating at all and choosing among alternatives would mean only to adhere arbitrarily to one option or the other. Given constructivists' problems with the possibility of a genuine deliberation¹⁴⁹, if a realistic picture of morality is not presupposed, and therefore if individuals do not believe that independent normative truths exist, deliberation would be pointless and irrelevant. As Nagel points out, "my belief [in the possibility of real values] is based not on a metaphysical picture, but on the capacity of a realistic approach to make sense of our thoughts" (1986, 146). The practice of deliberation aims at getting the correct answer to a certain question or problem, and thus it necessarily implicates a belief and a commitment of the person who is deliberating in independent normative truths apt to deliver the right solution to the problem at stake.

There is no doubt that, compared to all other metaethical theories, moral realism captures the feeling of deliberating best at the phenomenological level¹⁵⁰. Indeed, when facing a choice and judging among different considerations, we do try to reach and discover the correct option (Wedgwood 2002). Deliberation has nothing to do with arbitrary choosing. If one gets on a train and has to decide where to sit and no seat available is significantly different from the others, she is not deliberating where to sit. Rather, she is just picking a seat. But when one has to decide whether to perform a certain normative action, as for example whether to give some money to a person in

¹⁴⁹ See my arguments in the previous sections of this chapter.

¹⁵⁰ Even Mackie acknowledges that certain phenomenological aspects of moral life seem to conduct to believe in the objectivity of morality. See Mackie 1977, 30-35.

need asking for beneficence on the train, things are completely different for in such a case she needs to weight different considerations and judge different options. In short, she needs to engage in deliberation. The point I am trying to make is not only that moral realists can claim that their theory score a lot of points when it comes to phenomenology. Rather, the indispensability argument shows that, at the practical level, individuals need to believe realism to be true in order to deliberate and in turn to disagree. Since there is no disagreement without deliberation, if independent normative truths are deliberatively indispensable, they are also indispensable for disagreement. Of course, the practical consequence of the argument from deliberative indispensability does not show that independent normative truths exist. As I said at the beginning of this chapter, this work is not meant to vindicate a certain metaethical theory for its focus is only on normative disagreement and how metaethics can be a valuable resource to understand it. For this reason, I leave the question whether the argument from deliberative indispensability can show that independent normative truths exist unanswered¹⁵¹. However, it is important to note that the fact that independent normative truths are necessary for deliberation gives a prima facie reason in favour of moral realism, provided that deliberation and disagreement are two phenomena a metaethical theory should care to explain. Moreover, if it is true that, practically, when we deliberate and disagree we need to think that independent normative truths exist, then we need also to think that moral realism is true, though it might not be. This is a powerful reason to think that moral realism is the best suited metaethical theory to provide a useful and interesting picture of the phenomenon of moral disagreement and, thus, that disagreement should be conceptualized in realist terms.

4.6 Conclusions

In this chapter, I analysed and considered how the most prominent metaethical theories account for the phenomenon of normative disagreement. The aim of my investigation has been not to provide a conclusive argument in favour of a particular

¹⁵¹ Enoch believes that, since deliberative and explanatory indispensability have the same status and importance, his argument from indispensability succeeds in showing that independent normative truths exist. See Enoch 2007a. Some scholars have raised some doubts whether his argument can actually be vindicated coherently from a non naturalistic perspective such as his. See Rodriguez-Blanco 2012.

metaethical theory, although I have a preferred one. Since metaethics is a multilevel game and metaethical theories gain different plausibility points depending on how they resolve different metaethical problems and questions, the scope of defending a particular position necessarily falls beyond the scope of this work. However, inquiring into the different metaethical understandings of normative disagreement has proven useful to better understand how a normative disagreement should be conceptualized. As I hope to have shown, moral realism is the metaethical account best suited for the job. Indeed, excluding the possibility for correct answers to normative questions to exist, non-cognitivists severely undermine the practice of deliberation and disagreement by reducing it to a clash between different attitudes. And Humean constructivism seems to suffer a similar destiny. Moreover, Kantian constructivism makes deliberation and, in turn, disagreement impossible by conceptualizing the normative domain dependent on the agent's reasoning. Finally, moral realism has a positive argument and an explanatory argument for moral disagreement. These claims would not be successful by themselves if moral realists would lack any means to defend themselves from *the argument from disagreement*. I attempted to show that moral realists can successfully rebut such an objection.

CHAPTER 5

How to respond to disagreement?

5.0 Introduction

The previous chapters of this work are concerned mostly with theoretical problems and metaphilosophical questions. First, through the critical analysis and discussion of the two main approaches of what I call “justificatory political philosophy”, I enquired in metaphilosophical problems about the methods and aims of political philosophy in general and I defended an evaluative, non-practical theoretical framework. Second, I searched the most suited theoretical enterprise to explain the normative fact of disagreement, comparing different and competing metaethical accounts. It is now time for me to tackle the issue of disagreement from the normative point of view, attempting to figure out what normative disagreements require of persons and how individuals should behave when they find themselves stuck in one. In particular, I am interested in understanding how disagreements should be dealt within the political domain, when citizens engage in the justification of laws and policies and deliberate about them.

In this chapter, I try to answer the question whether it is morally wrong for citizens to provide only personal (in a sense that will be specified in the discussion) reasons for their political proposals. Since I reject the justificatory project and thus oppose the idea of public justification because of its detrimental treatment of disagreement, I need some arguments to defend the idea that a form of political justification for laws and policies which does not rest on the conception of public reasons proposed by justificatory liberals can work and explain in which sense. The point is to understand whether issuing a claim on one’s fellow citizens with regards to some political proposal, which inevitably ends up having an impact on their lives, is made morally

objectionable and wrong by introducing reasons that do not conform to the standards of justificatory liberalism. Is a citizen who bases her political convictions on personal reasons necessarily a bad citizen? Are citizens issuing demands on personal reasons authoritarian because of the basis of their justification? If the answer to this question is, as I unsurprisingly attempt to show, “no”, then an alternative model of political justification, apt to take normative disagreements seriously, can be successfully defended. To this aim, it is crucial to understand what it means for citizens to give each other reasons for their political convictions, how reasons should be considered, and what requirements follow for political justification so understood. It is fundamental for me to stress from the beginning that what I call personal reasons need not to be considered private, or non-public in the sense of not fit to political justification because of their inaccessible nature. Rather, personal reasons are, in my understanding, public in the mundane sense of being expressed within the public domain and apt to be used within deliberation. The only motive for which I use the adjective *personal* to qualify the kind of reasons I am interested in for political justification is that I want to distinguish them from the idea of public reasons as reasons that appeal to shared political and moral value, or convergence agreement defended by justificatory liberals. I believe there are different conceptions of what it means for a reason to be public and I only mean to reject the peculiar and highly constrained understanding employed in justificatory theories. As I attempt to show in the next paragraph, personal reasons are public reasons that pertain to the political domain and are non-relational, in the sense that they exist independently of the deliberative relation citizens establish when they engage in the political justification of norms and policies.

In tackling the problem of how citizens should justify their claims and what normative criteria they should conform to when deliberating about laws and policies, two somehow similar issues arise. The first concerns whether normative disagreement gives any practical reason to refrain from it, namely whether the fact that one is stuck in a disagreement gives her a practical reason not to engage in it. In the end, it seems that justificatory liberalism holds on to this idea, though there are no theorist within such a tradition putting the point in such manner¹⁵². Indeed, it might be the case that

¹⁵² Joseph Raz suggests this, but he is surely not a public justification theorist (1998).

although one is not authoritarian in justifying her political convictions through personal reasons, she is nevertheless rationally compelled not to push for her preferred policies when a disagreement arises. Drawing also from the understanding of disagreement I argued for in the previous chapter, I attempt to show that this is not the case and that finding out that others disagree on some normative matter does not give citizens a practical reason to refrain from it. The second issue, on the other hand, concerns whether normative disagreement gives a citizen an epistemic reason to refrain from her belief and ultimately to suspend her judgment on the subject matter. The question is relevant to my discussion because if political justification is based on personal reasons, it is crucial for citizens to understand how they should consider their beliefs when find out that their fellow citizens disagree with them. If disagreement provides citizens with a rational reason to decrease their confidence in their beliefs, the process of political justification in case of disagreement would be just pointless. In addressing this problem, I rely on the epistemological debate on *peer disagreement*. Since to conceptualize disagreement in terms of moral realism, as I argued, means to see it as a dispute of beliefs, it is possible to use the model of disagreement among peers to understand how individuals should respond to it. In analysing the different positions within such a debate, I rebut a conciliatory approach and endorse a steadfast position for the problem of the epistemology of disagreement, granting the possibility for citizens to stick to their convictions when they find out that their fellows disagree with them.

My discussion proceeds as follow. In section one, I rebut the idea that good citizens are those presenting only public reasons for their preferred laws and policies. In analysing what it means to be authoritarian in the context of justification within the political domain, I defend the idea that citizens are morally entitled to defend personal reasons for their political proposals because of what it means for them to give each other reasons. Accordingly, I present and argue for a model of political justification from the *first-person standpoint* (Wall 2010). In section two, I consider and discuss the problem of whether disagreement triggers a practical reason to refrain from it. I reject it on the basis on some pragmatic considerations concerning the political domain. Indeed, it is important to stress that my arguments on this particular issue refer to normative disagreements within the political domain, namely to the situation of

citizens disagreeing about a certain normative matter in the context of taking up a decision in terms of a law or a norm. There may be other practical circumstances in which my arguments just do not apply, but they are of no relevance for this work. Section three is devoted to the introduction of the issue of peer disagreement and in particular to understand whether normative disagreements among peers are possible. Indeed, to rebut the problem of *spinelessness* (Elga 2007), some scholars have argued that real-world disagreements, such as those concerning normative matters, can never qualify as peer disagreements. I reject this position and argue that the model of peer disagreement is suitable to characterize disagreements about normative matters in the political context. In section four, I tackle the problem of whether and how citizens are to revise, update, or change their beliefs when find out that others disagree with them. I analyse whether disagreement makes citizens unjustified in holding on to their beliefs and, thus, leave them with no reason to engage in political justification from the first-person standpoint, and finally reject the idea that citizens should suspend their judgments on those disputed matters.

The aim of this chapter is to understand how citizens should respond to disagreement, how they should be affected by it when they try to justify their claims to their fellows. It seems that disagreement calls for two problems, concerning what we are rationally required to believe and, on the other hand, what we ought to do in the face of it. My hope is to show that disagreement itself constitutes no reason to refrain from it in the political domain, which is the only context I am here concerned with.

5.1 Justification from the first-person standpoint

Rejecting the idea of public justification because of its incapacity to take the problem of disagreement seriously by attempting to bracket it, I defend the idea that citizens can support their preferred laws and policies on the basis of their personal convictions. However, whether this move is normatively acceptable and what kinds of requirements, if there are any, it demands are still questions standing in need of clarification. The point is to understand, on one hand, whether supporting a political proposal only in force of one's beliefs is morally objectionable and, on the other hand,

how one might do so. I think one of the reasons¹⁵³ why justificatory liberals are worried about allowing citizens to present personal justification in political discussions rests on a misunderstanding about reasons in general. Talking about reasons is extremely complicated and most of the times it appears obscure. In part this is so because there are different kinds of reasons, enjoying different characters. To give a rough characterization, epistemic reasons are the things that count in favour of believing something; practical reasons are considerations that count in favour of doing something and provide grounds to understand whether some action is justified; finally, motivating reasons explain what brings an agent to actually perform an action and thus describe her motives to act in a certain manner. Normative reasons can be either epistemic or practical for they concern both what one ought to believe and what one ought to do. To make an example from politics, the fact that the American military intervention in Iraq caused the death of many innocent persons may be a normative reason to believe such an intervention wrong. On the other hand, the fact that George W. Bush's foreign policy undermines international law may be a normative reason for an American to vote against him in the 2004 presidential election. It is important to note that, although they might be essentially connected¹⁵⁴, normative and motivational reasons are distinct and different sorts of things. Of course, they are both relevant to ethics, but they can be distinguished, at least conceptually because there is a difference in saying that a certain consideration x is a reason for one to act, or believe and saying that x is her motivation to do so. To explain the distinction, consider the following example. Suppose that discrimination against women is wrong, Bill may have both a normative and a motivating reason to support a policy to contrast discrimination against women in the workplace. The normative reason is that women should enjoy the same rights as men; whereas the motivating reason is that he *believes* women should enjoy the same rights as men. I do not want here to imply that

¹⁵³ Another reason is the kind of individuals they have in mind when they think about the justification of political principles, norms, and laws. I say more about the rhetoric of liberals' negative examples in the next chapter.

¹⁵⁴ I have here the space neither to address the debate about internalism and externalism about reasons, nor to tackle the problem of whether all normative reasons need to be motivating, namely the issue of whether normativity should be considered a motivating force. On this particular issue, I tend to agree with Derek Parfit that the normative should not be conflated with the motivational (2006, 325-380). However, since to provide a full defence of such position I should dig into long-standing metaethical debates, I shall not pursue it here. Given the scope and aim of this work, I rather remain neutral about such philosophical discussions and focus on the issue of how personal and normative reasons may be at play in public discourse, in the justification of laws and policies.

motivating reasons need always to be beliefs. Rather, I mean only to draw attention to the fact that normative and motivating reasons are different in kind, and may be in conflict. If, as it is assumed in the example discrimination against women is wrong, Jill may have a motivating reason to be against it, while lacking a normative reason to. She may be motivated to be in favour of discrimination of women at the workplace because she *believes* that women should not enjoy the same rights as men, whereas there is no normative reason to think it is the case.

I am not interested here in addressing questions regarding the relations of these different types of reasons and how they should be conceived. For the purpose of my discussion, it suffices to say that what is at stake in political justification are normative reasons, for citizens demand each other to adhere and support their preferred political proposals. As it will become clearer in the following discussion, citizens offer each other reasons for their preferred policies and laws, not their beliefs or attitudes about them. In trying to convince one another of the rightness of their positions, citizens offer each other considerations apt to favour their ideas. They do not advance their own motivations for adhering to certain political options because one's own motivations are inevitably irrelevant to others. So, in political discussions, citizens attempt to give each other normative reasons. Such reasons are both epistemic and practical for, in the context of a democratic society, citizens give each other both reasons to believe certain facts to be relevant with regards to particular political decisions and also reasons to act in determinate manners, for example, concerning how to cast votes on political issues.

What I call *personal reasons*, on the other hand, refer to those considerations in force of which a single agent believed something or acted in a certain way¹⁵⁵. Personal reasons are the reasons that a single person relied on in a particular circumstance in deciding what to believe or what to do (Enoch 2011, 221-222). Such reasons correspond to a particular person's own reasons and they do not constitute a different class of reasons, but amount to those considerations upon which an individual

¹⁵⁵ "There are two ways of using the notion of a reason *for* action, which address different questions. There is the question what were the considerations in light of which, or despite which, he acted as he did. This issue [is] about *his reasons for doing it* [...] There is also the question whether there was good reason to act in that way, as we say, *any reason for doing it* at all, one perhaps that made it sensible in the circumstances, morally required, or in some other way to be recommended, or whether there was more reason not to do it" (Dancy 2000, 2).

grounded her belief or action in a particular circumstance. In this sense, personal reasons may be normative, but they are not necessarily so, for it might well be possible for one to be mistaken about what should count in favour of a certain course of action or a certain belief. In this sense, the set of one's personal reasons comprehends both normative and non-normative reasons because it is a reality that individuals may, and often are, wrong about what to believe and what to do. This is true also in the context of a democratic society, in which citizens may provide personal reasons to justify their political proposals, though sometimes these very reasons may not also be normative. Consider for example Bill, who wants to vote against a policy allowing migrant children to have access to public education on the basis that immigrants are inferior and are not entitled to an education. Assume for the sake of the argument that, as it seems correct, it is not true that immigrants are inferior and therefore that it cannot count as a consideration against the policy. So, Bill does not have a normative reason to vote accordingly, though he seems to have a personal reason to do it. Moreover, one's personal reasons cannot be characterized merely as that person's motivating reasons. In the case of Bill, his personal reason to vote against the policy is that immigrants *are* inferior and are not entitled to an education, not that he *believes* so. His (wrong) personal reason to vote against the policy is grounded in the (false) fact that immigrants are inferior, but his motivating reason, on the contrary, concerns his beliefs about the inferiority of immigrants. The basis for Bill's vote is not that he has a certain belief about the inferiority of immigrants, though it constitutes the motive that actually brings him to oppose the policy. Rather, his vote derives from the inferiority of immigrants, which he believes is true.

Having these distinctions in mind, it is important to understand whether giving only personal reasons (which may not be normative, and thus wrong) is not enough to be a good citizen, whether there is something morally objectionable about it. Note that the problem here is not whether some personal though not normative reasons are morally objectionable, as the one about immigrants' inferiority clearly is. Rather, the point is to understand whether a citizen relying on them in the justification of laws and policies is morally objectionable¹⁵⁶. Sincerely, I cannot see how this could be the case. Among

¹⁵⁶ It is important to say that since it is irrational for one not to follow one's normative reasons, once a citizen is shown that her personal reasons are not normative (and that it is indeed the case), she is compelled not to rely on her personal reasons anymore.

justificatory liberals, there is the conviction that arguing from personal reasons is morally objectionable because such kind of justification ends up being inevitably authoritarian¹⁵⁷. Personal justification turns out to be a sort of top-down request to subject others to one's wisdom and ideas. However, here lies a misunderstanding about what justification is about: when a citizen demands her fellows to adhere to her preferred political proposals providing a personal reason, she is not requiring them to adhere to it because she *believes* that the proposal is right, but because the proposal *is* right, according to her. She is not advancing her motivating reason, which is indeed irrelevant, but her personal reason, that may be normative. The point is that rejecting public justification does not imply to accept the idea that citizens should make demands on others on the grounds that they believe so and so. There is no doubt that subjecting others only on the basis that one thinks in a certain way is wrong and unacceptable. Rather, when citizens offer each other personal reasons, they require their fellows to agree with them on a certain course of action because that is the case, because things are so and so (Raz 1998; Enoch 2013). Consider the case of Jill, who contrasts Bill on the matter of the education policy for migrant children. When Jill requires Bill to adhere to her political conviction that the policy should be implemented (and maybe even coerce him with a law requiring him to contribute to education programs for migrant children throughout taxation), she is presenting to him what it is of normative relevance in the circumstance, which is not that she *believes* that migrant children are entitled of an education as all the other children, but that migrant children *are* entitled to an education as all the other children. The point to understand is that Bill is morally objectionable if, after discussing the issue with Jill, he holds on to his non-normative reason and thus in the end campaigns and votes against the policy which does not allow migrant children to receive an education. But he is neither morally objectionable nor authoritarian because he gives Jill and his other fellow citizens a personal reason for it. From a normative point of view, what is important is not Bill's grounding of his reasons, but the content of the reasons. There is nothing wrong with giving personal reasons in political justification. Rather, to be wrong are certain reasons, which should not constitute a basis for adhering to certain laws. In this sense, political justification draws from the first person standpoint: it is

¹⁵⁷ I will further develop this point in the next chapter in proposing an understanding of the principle of respect different from the one proposed by justificatory liberals.

not necessary to assume a shared or common point of view, as justificatory liberals advocate, because authoritarianism is not implied by the mere fact of providing personal reasons, which can be also normative¹⁵⁸.

If my argument is correct, two important consequences follow. First, a requirement to provide reasons for the justification of political decisions is needed. A citizen providing no reasons or irrelevant ones, in the sense of unrelated to the issue at hand, cannot be said to participate in political justification properly. This may appear as a trivial point, but given justificatory liberals' worries about the consequences of rejecting public justification I think it is one worth mentioning. Second, if one is shown that her reason for supporting a particular law or policy is not normative and she does not change her mind, she is to be considered objectionable. If one proposes a policy based on a personal reason and throughout political discussions it becomes clear that it is not normative, it is objectionable for her to retain support for such policy. This is so also because the context of political justification is a specific practical circumstance. Indeed, although sometimes it might be the case that one's requiring another to do a certain action just gives her a reason to do that action, as for example if a philosopher is asked by one of her colleagues to read a draft paper for comments (Enoch 2011b), this is not the case with political justification. The fact that Bill, who is an anti-abortionist, requests Jill to adhere to his political cause and be coerced accordingly, does not trigger any reason for her to do it. There is nothing special about the relation among citizens that makes it the case that their political requests give rise to practical reasons either to believe or to act accordingly. On the contrary, the process of giving reasons among citizens is purely *epistemic*¹⁵⁹, in the sense that the act of giving in this context has only to do with the possibility of others to grasp the relevant normative reasons, to appreciate them. A citizen giving a reason to another does not create any consideration to adhere to his convictions. Rather, what citizens are doing when they engage in political justification is to indicate one another and to show each other reasons that exist independently of the relation of giving.

¹⁵⁸ Moreover, conceptualizing political justification in terms of the first person standpoint has also the obvious advantage of gaining simplicity for "no one literally can leave his own standpoint" (Wall 2010, 140).

¹⁵⁹ "We can call such reasons-giving *purely epistemic*, for the role of the giving here has nothing to do with the reason's existence, and everything to do with my knowing that it is there, appreciating it, and acting for it (Enoch 2011b, 4).

Because of the epistemic character of reason giving in political justification and because I assume that all rational citizens want to live in a society shaped by normative requirements and thus are willing to support and advocate for those political proposal conforming to the normative standards they believe are true, citizens are under a requirement to reason carefully when engaged in political justification. In the context of trying to work out how to live together and what are the right laws and norms to implement, each and every citizen sharing the same political society are under the obligation to reason carefully because of the common aim they pursue¹⁶⁰. What does it mean to reason carefully? I can only attempt to give a general characterization here. In trying to justify their proposals, citizens need to respect the evidence they have, they need to be disposed to respond appropriately to it in order to attempt to arrive at normative reasons. Moreover, it is necessary for one's beliefs to be sensitive to possible changes in her evidence and to change one's convictions when the evidence seems to point to the contrary. In this sense, political justification from the first-person standpoint requires not only conformity to those general rules of reasoning such as consistency, coherence and completeness, but also a disposition to decide matters intelligently, namely on the basis of the best possible evidence, and a disposition to change held convictions and beliefs when discovered they are in contradiction with some further evidence.

5.2 A practical reason to refrain from disagreement?

Having argued that political justification from the first person standpoint is morally permissible, I need to provide an answer to the question concerning whether disagreement triggers a practical reason to refrain from it. In general, I suggest that justificatory approaches are implicitly based on the idea, that though disagreement among intelligent and equally informed persons may be inevitable, it provides a reason to desist from engaging in it for the sake of stability, or that of living in a harmonious society. In this respect, Larmore's thought is particularly revealing: "People should respond to points of disagreement by retreating [...] to the beliefs they still share in

¹⁶⁰ This idea is derived by Darwall's thought that "it is only in certain context, say, when you and I are trying to work out what to believe together, that we have any standing to demand that we each reason logically, and even that authority apparently derives from a moral or quasi-moral aspect: our having undertaken a common aim" (2006, 14).

order either to (a) resolve the disagreement [...] by means of arguments that proceed from this common ground, or (b) bypass the disagreement and seek a solution of the problem on the basis simply of this common ground” (Larmore 1996, 135). To sustain the idea that citizens should refrain from disagreement, theorists defending the framework of justificatory liberalism usually rely on an argument from respect¹⁶¹, which I will consider in details in the next chapter. But although justificatory liberals never put their point in the language of practical reasons, which may arise from the fact of disagreement, it is worth considering whether this is indeed the case because if disagreement constitutes a reason to refrain from it, it becomes irrelevant whether political justification from the first person standpoint is morally available. So, the point is to understand whether the rational thing to do in the circumstances of normative disagreement, with respect to pragmatic justification, is to silence or not act on one’s own belief¹⁶².

It is crucial for me to clarify that the kind of disagreements I am here concerned with regards those disputes that are normatively relevant and are to be addressed within the political domain. My question relates only to the circumstances of citizens justifying their claims with reasons in political debates and thus deliberating about what laws and policy to either implement or cancel. This is an important point for different contexts may require different courses of action. For example, it is true that a medical doctor, who believes the right treatment for a patient is A, may be required to administer treatment B when her colleague, who is slightly superior at treatments-giving, suggests it and thus to revise her decision (Christiansen 2007, 203-204). However, it is also true that a juror should not change her vote in a trial only because

¹⁶¹ See for example Solum 1990; Macedo 1990; Audi 1993; Gaus 1996, 120-129; Weithman 1997.

¹⁶² It is worth noticing that this issue has not received much attention among philosophers and there is no systematic treatment of it. Indeed, theorists who tackle the puzzle of the epistemology of disagreement sometimes mention the problem of what is practically required of individuals when stuck in a disagreement of some kind. However, they do so either to warn not to conflate the epistemic with the practical (Enoch 2011c, 6; Christiansen 2007, 214-126) or to propose a sort of joint solution by claiming that “there are two kinds of rational norms. The first kind of rational norms are those norms governing combinations of sentences that are candidates for acceptance. They take the form of principles determining whether combinations of sentences are rationally permissible, forbidden, or obligatory to accept. [...] However, if acceptance is conceived as a part of the broader activity of inquiry, where inquiry is one activity among many, then it is plausible that inquiry involves other kinds of norms as well. Just as there are rational norms governing combinations of sentences that are candidates for acceptance, it is plausible as well that there are rational norms governing the ends involved in inquiry. They represent the requirements on the ends to be adopted in changing one’s epistemic state over time” (Kalderon 2005, 16).

she finds out the other jurors have arrived at a different conclusion about the accused's actions (Enoch 2011c, 6 fn12). Similarly, one may be justified to retreat from a disagreement about a normative matter with the head of her office and avoid engaging in a dispute about it. But the question here is whether one should refrain from the same kind of disagreement when discussing that subject matter in the political context, in deciding what political action to take and, of course, how to cast one's vote. Does finding out that my fellow citizens disagree with me about a certain political proposal give me a reason not to vote according to my beliefs about the subject matter? To stress it once more, the point here is eminently practical: it does not matter what I should *believe* about the political policy, my confidence in its rightness or wrongness, but what I should *do* about it.

Recall that in my discussion of normative disagreement I argued that moral realism is the best suited metaethical perspective to account for that phenomenon (chapter 4 of this work). Accordingly, I defended the idea that the sources of normative disagreement can vary and in particular I highlighted three main causes of it. First, normative disagreements may arise because of a lack of agreement on non-normative facts. For example, Bill and Jill disagree about the causes of global warming in the sense that the former believes that it is caused by human activities, and in particular by the burning of fossil fuels, whereas the latter believes that it is the result of a natural process of climate change. Accordingly, Bill and Jill propose different policies to adjust to the phenomenon, defending geo-engineering on one hand and adaptation on the other. Their disagreement does not concern whether global warming is a normatively relevant matter. Rather, they disagree about the empirical and scientific facts about it and, in turn, about what political reform to adopt. Second, normative disagreements may arise as a result of some normative error, let it be psychological or epistemological. Indeed, it might be the case that Bill disagrees with Jill on a matter of some redistribution policy because of his self-interest, which has a distorting effect on his decision-making process. Moreover, it might also be the case that a normative disagreement is due because one fails at grasping the rightness of a certain circumstance, as in the example of the education policy for migrant children in the previous section. Finally, I argued that normative disagreement might sometimes (though not very often) arise in virtue of the indeterminacy of some normative

matters, in particular when the classification of concepts is vague and when future scenarios are to be considered. In this sense, to make few examples, controversies about abortion, euthanasia, values in nature and the like fall within the first group, whereas disputes about intergenerational justice are in the second. So, given my understanding of disagreement, the question I need to answer regards what a citizen should do in such different circumstances.

A first response to the problem of the practical requirements in the face of disagreement concerns the necessity to understand the kind of disagreement citizens find themselves in. If citizens are required to retreat their arguments and not to engage in deliberation when they find out that others disagree with them, it becomes impossible to understand the nature of their disagreement and what means to employ in dealing with it. Indeed, since normative disagreements have different causes, it seems that different practical outcomes should follow from such different conditions. In the case of disagreements about non-normative facts, it seems that more attention should be cast on scientific findings and the comparison of empirical data whereas, in the case of disagreements rising from normative errors, it becomes crucial to make mistakes evident and correct them. In general, from the perspective of a citizen, the causes of disagreement with her fellows are extremely relevant in deciding what to do: the fact that others disagree because of a normative error or because the issue is itself indeterminate are facts that are significant to deciding what should be done and how to behave in political deliberation. It seems that the position of one's fellow citizens should be considered and taken into account differently depending on the situation. For example, one's mistaken belief should trigger others to challenge it and provide evidence to correct her position by understanding the error. It would be unreasonable for citizens to retreat their convictions or silence disagreement in the face of an error. On the other hand, in disagreements about non-normative facts, citizens need to seek for the best empirical explanations of phenomena.

Of course, things are different when it comes to cases of disagreement rising from indeterminacy. If it seems straightforward what citizens should do when they find themselves disagreeing with others who are mistaken or because of non-normative issues, it is not clear what should be done in situations where no uniquely right answer is available. The point may be that although disagreement *per se* may not constitute a

reason to refrain from it, because of the particular nature of disagreements due to indeterminacy, it might be the case that citizens should be required to refrain from engaging in political discussion and supporting political proposal concerning such indeterminate matters. According with this line of thought, it seems that, in cases of disagreements on indeterminate matters, citizens are required either not to support any political decision and abstain from voting and deliberating concerning them, or to seek some sort of compromise about them. I shall consider the two scenarios separately. First, it seems that a requirement to abstain from political activities cannot really follow from the fact of disagreement about indeterminate issues simply because of the way in which politics works. Indeed, in the context of a democratic society, what is not legally forbidden or required is permissible. To make an example, it is possible for citizens who live in democratic societies to engage in dangerous activities, such as mountain climbing or canyoning, not because performing such activities is legally granted, but because there is no law forbidding them. The permissibility of such actions is given in virtue of the political authority's silence about them. Therefore, political inaction necessarily turns into an action favouring the permissibility of certain behaviours. In this sense, from the perspective of citizens, it would be contradictory to refrain from disagreement and not sustain one's own position and end up supporting one side of the dispute. If in an indeterminate case, such as that of abortion, Bill is required to suspend his actions about the subject at hand, he ends up committing himself to the permissibility of abortion by abstaining from legally regulating. Since political decisions are taken even when one refrains from political procedures because of the circumstance of silence-permissibility, disagreements arising from indeterminate issues cannot require citizens to suspend their political support for their preferred political options, otherwise they would be demanded to accept the permissibility of an action dogmatically, with no reason to support it and this seems just wrong.

So, although disagreements do not trigger a practical reason to refrain from political activities, it might be the case that they require citizens to settle for compromises, to split the difference between their views when they need to decide upon an indeterminate matter. The idea here in play seems to be that compromises are necessary because of the complex nature of the controversies derived from

indeterminacy (Dobel 1990). So, it is necessary to understand whether complexity constitutes a reason for compromise and in what sense. In general, for there to be a compromise, there has to be a situation in which two (or more) parties at disagreement resolve their conflict by moving away from their ideal preferences to some intermediate ground. It should be noted that compromises are different from corrections. If one settles for a compromise, she is not coming to believe that her initial position is inferior, but only that there are other reasons to embrace the alternative. For example, consider Jill and Bill who want to spend the afternoon together, but she wants to go to the opera and he wants to go to a football match. If they settle for a compromise and decide to go to the cinema instead it is not because either Jill or Bill prefer watching a movie compared to going to the opera or to a football match respectively. Rather, they settle for the cinema because they prefer to spend the afternoon together if the alternative is to engage in an individually preferable activity that would exclude the other. Now, it is possible to distinguish between *principled compromises* and *pragmatic compromises* (Căbulea May 2005). The formers are non-strategic and are built on the desire of the parties to come to terms that are mutually acceptable (Benjamin 2004; Lister 2007). The latters, on the contrary, are compromises based on pragmatic reasons, namely they are founded on contingently based considerations concerning the realization of one's political goals and interests. To put the distinction more crudely, compromises can be *moral*, referring to a mutual recognition by each side of the other's rights apt to reconcile and meet on a middle ground; or *tactical*, referring to temporary arrangements reached as results of contingent constraints (Cohen-Almagor 2006).

It seems that when it comes to disagreements caused by indeterminate issues, principled compromises are not available because it is very hard to understand how they should look like. These sorts of disagreements tend to revolve around specific all or nothing and discrete questions, to which it is impossible to give a reconciliatory answer. In the abortion controversy, for example, the problem is that either a woman has the right to abort a pregnancy because she does not wish to carry it to term, or she does not. There is no middle ground to reach for the question at hand in such dispute is one that must be decided one way or another¹⁶³.

¹⁶³ It is interesting to note that most theorists who invoke the abortion case as the best example for

Moreover, it seems that disagreements due to indeterminacy cannot trigger principled compromises also because “a policy that splits the moral difference between two opposing yet reasonable viewpoints need to be no more self-evident than the viewpoint themselves” (Căbulea May 2005, 339). The point is that it is not clear whether a principled compromise should be a better answer to a disagreement concerning an indeterminate matter than those proposed by the parties only in virtue of its being a compromise. It is not clear why Bill and Jill, who are both intelligent and familiar with all the philosophical and empirical evidences about abortion and disagree about its permissibility, should regard a principled compromise as a better option than those they personally defend. The principled compromise position ends up being just another option in the political debate, which needs to be weighted and evaluated in the same way as the others. In this sense, moral complexity cannot constitute a reason for principled compromise because it does not confer any special status to the value of splitting the difference. Of course, this does not mean that citizens deliberating about an indeterminate matter should not appreciate the complexity of their dispute. But such an appreciation is normatively relevant only insofar as it requires citizens not to support their preferred position with certainty, without some measure of doubt. As stated in the first section of this chapter, citizens are not wrong in sustaining their preferred policies (even if they are not certain about them) unless they are given some reason to see that it is a mistake.

Although disagreements due to indeterminacy may not trigger principled compromises, it might be the case that they require pragmatic compromise. I think this is indeed the case. Since, as said before, politics cannot be inert, but requires taking decisions on different matters, it is necessary sometimes to reach compromises just for the sake of realizing some of one’s goals. This of course does not imply that citizens should revise their positions, or stop trying to change their fellow citizens’ minds about the issue at hand by engaging in political discussions and activities about it. As said earlier, pragmatic compromises are temporary because they are only strategic. Since, as general principles, it seems correct to say that situations in which people are forced to act against their conscience or in ways that they see immoral should be avoided, sometimes pragmatic compromises, even in the form of the

principled compromise never really propose to formulate how it should be intended and limit their writings to exhort citizens to reach one. See Dobel 1990, 87-88; Bellamy and Hollis 1999, 75.

possibility of conscientious objection, should be pursued, as long as they are recognized as compromises for pragmatic reasons¹⁶⁴. Of course, “the advisability of compromise and accommodation does not mean that they are always possible, but they are worth working for” (Raz 1998, 50).

Finally, it seems that those normative disagreements due to indeterminacy can be compared with disagreements in philosophy not only because both kinds of disagreements are interminable even among disputants who seem equally intelligent and well informed (Van Inwagen 1996), but also because they are based on philosophical¹⁶⁵ issues such as those of what constitutes a person (abortion); the significance of death (euthanasia); or future justice (intergenerational rights). Because of the philosophical nature of such controversies, it is possible to think that disagreements due to indeterminacy are best promoted if each parties at disagreement stick to their convictions in the hope to reach the best answer throughout the possibility of exploring and defending a variety of different positions and opinions (Christiansen 2007, 215). The point is that even in the political arena, disagreement can be a boost for deliberation in providing a better pool of evidence for answering political problems. Indeed, there is a notable philosophical tradition endorsing the idea that inquiry is best promoted when there is a diversity of opinions among inquirers (Mill 1859; Hayek 1960; Feyerabend 1975; Kitcher 1993). I mentioned and defended this line of reasoning in the previous chapter, when discussing moral realism’s characterization of disagreement, and for this reason I shall say no more here on this point.

5.3 Normative disagreements among peers

Having argued that there is no practical reason to refrain from disagreement or to settle for some principled compromise, I now turn to the issue of whether

¹⁶⁴ When it comes to the abortion controversy for example, I agree that since neither conception nor birth can serve as points that would enjoy support of both pro-life and pro-choice camps, the beginning of the second trimester might be a reasonable compromise criterion (Bird 1996, 91). However, such a compromise is (and needs to be recognized as) only pragmatic: it does not represent a solution to the problem of abortion, but only an efficient meeting point.

¹⁶⁵ I do not want to commit myself to the idea that disagreements which arise out of indeterminacy are philosophical in the sense that they are essentially metaphysical controversies. To embrace such a view I would need a comprehensive and controversial notion of philosophy, which I am not inclined here to provide. Rather, I argue that disagreements due to indeterminacy are philosophical only in the sense that they are those disagreements philosophers inquiry about.

disagreement constitutes evidence to lower one's confidence in her own beliefs and, accordingly, to split the difference among competing convictions. In short, I here tackle the problem of the epistemic significance of disagreement. Such discussion is particularly important for this work because, given the model of justification from the first person standpoint I embrace in the political domain, from the point of view of citizens engaging in political deliberation, it is relevant to know whether they are rationally justified in defending their beliefs in cases of disagreement. If in justifying their preferred policies and laws citizens find out that some of their fellows disagree with them, should they change their ideas? Since within justification from the first person standpoint citizens defend political reforms they find correct and attempt to show their fellows that it is the case that those are correct, it is crucial for them to understand whether they are justified in defending such reforms. So, the question I am here interested in is whether citizens engaged in political justification should consider disagreement a reason not to retain their beliefs and, in turn, to react to it with a suspension of judgment about matters of controversy. To answer this question, I here rely on the philosophical debate about the epistemology of disagreement, which focuses on disagreements that arise after epistemic peers have considered the same body of evidence. It is important to note that the debate about peer disagreement is normative in character. It concerns how peers should respond to disagreement and how they should change their beliefs accordingly. To put it with Kelly, "the question [...] is whether known disagreement with those who are one's epistemic peers [...] must inevitably undermining the rationality of maintaining one's own view" (Kelly 2005, 175).

Before proceeding, it is important to understand whether peer disagreements do happen in the political context because if this were not the case, the problem of peer disagreement would be irrelevant to the purposes of this work. Indeed, some scholars have put forward some worries saying that in real-world circumstances the condition of peerhood never applies so that, in such situations, disagreement among peers does not exist and thus its epistemic significance is of no importance to the status of current cherished beliefs (King 2012). The problem here arises if, as many defends¹⁶⁶, some agents are considered peers when "(i) they are equals with respect to their familiarity

¹⁶⁶ See for example Audi 2008a; Christiansen 2009; Elgin 2010; Goldman 2010.

with the evidence and arguments which bear on that question, and (ii) they are equals with respect to general epistemic virtues such as intelligence, thoughtfulness, and freedom from bias” (Kelly 2005, 174-175). Such a definition permits to distinguish between idealized and real-world cases of peer disagreements because of its emphasis on the evidential and cognitive equality of peers that may be very easy to recognize in idealized conditions and not in real-world ones. Indeed, idealized cases of peer disagreement are considered simple situations in which it is impossible for the parties at dispute not to take each other as epistemic peers, whereas real-world disagreements concern complex situations in which it is supposedly possible for the parties to downgrade one another to the status of epistemic inferiority, and thus to dismiss disagreement accordingly (Simpson 2013). Idealized cases are those concerning perceptual experiences, mathematical skills, or psychological processes like memory. On the contrary, real-world cases concern political, religious, moral, and philosophical debates, which are considered persistent and complex. However, it is not clear whether the distinction of these cases (and the definition of peerhood sustaining it) can actually work. Indeed, although it seems obvious that in idealized situations, peers need to consider each other as such, it is not clear why it should not be the same in real-world circumstances. Consider Bill and Jill who are at the running track to watch a competition of 10,000 meter run which ends in a photo finish. They disagree about who won the race for Bill believes Jones was the fastest to cross the finish line whereas Jill believes Smith was. Since neither Jill nor Bill had any reason prior the race to suppose that the other has difficulties or untrustworthy visual perception, they justifiably take each other to be peers. Neither of them can assume that she has some evidence apt to resolve the disagreement because they both share the exact same evidence. Furthermore, they both do not have a reason to regard their respective visual capacity as more reliable than that of the other¹⁶⁷. In this sense, idealized disagreements can be conceptualized as disagreements among peers because in such cases the standards of peerhood are evident and shared. On the contrary, it is argued, in real-world disagreements, for example about what is the true religion, standards of peerhood and competence are complex and impossible to individuate. However, why should it be the case that real-life disagreement differ from the simple ones, such as

¹⁶⁷ This example is modelled on one of Kelly’s (2010).

the one about who won the 10,000 meter run? Consider now Bill and Jill who are discussing about what pension reform should be implemented in their society. Neither of them is a university professor studying labour markets and comparative welfare politics, but they are both intelligent and thoughtful persons who care deeply about their society and therefore have collected a great deal of information about the pension reform they are discussing. They have examined the same evidence and arguments, but they disagree for Bill believes the pension reform is right whereas Jill considers it wrong. Do Bill and Jill have any reason not to consider each other peers? I do not see how this should be the case for they cannot reasonably maintain that they are better placed, epistemically speaking, to form beliefs about the pension reform when it is just as likely that the reverse is true. The point is that, although it might be true that in the end Bill and Jill are not peers with regards to the pension debate, they are justified at taking one another as a peer because of the information they have about each other. Indeed, although in the idealized case it might be more probable that individuals are *actual* peers, it does not follow that in real-world disagreements the parties should reject epistemic equality. If in idealized cases it is obvious that the parties share all the evidence and information available to their dispute, in real-world cases they cannot hold each other to be less equipped to respond to the issue under discussion unless they have an independent reason to think that they are more likely to get things right, as it does not seem to be the case in the disagreement about the pension reform.

Because of this difficulty with the notion of peerhood based on cognitive and evidential equality just considered, I follow Elga (2007, 487) in considering “peers” individuals who are roughly equally likely to get things right on some particular subject matter. In this sense, two individuals are justified in considering each other peers if, apart from discussing the topic upon which they disagree, one’s credence that the other can be right equals the credence that she herself can be right. This might be because they have the same epistemic virtues. However, what epistemic virtues are relevant in a disagreement among peers is of no relevance for the discussion about the significance of disagreement. The defining characteristic of peerhood is the equal likelihood of getting things right and therefore to consider someone an epistemic peer means to consider her as likely to respond correctly to a particular subject matter

(Enoch 2011c, 4). A significant and important source of justification in order to understand another as one's peer on some topic is her "track record", that is how often she understood things right and reasoned rationally within her perspective. It is reasonable to think that one is as likely as us to get things right about a certain matter if her track record proves that she is reliable with respect to such matter. It is important to stress that getting things right is not the same as agreeing on something. In this sense, one's track record is not based on how often she agreed on issues of a given subject matter with those considered reliable. Rather, a track record is concerned with shared understanding and proof of competence gained in one's scientific, philosophical, and social communities.

Although I follow Elga's definition, I do not share his own attempt to defend the distinction between idealized and real-world disagreements. Since my aim is to highlight the relevance of the epistemology of disagreement for political justification, I need to rule out the possibility that real-world disagreements can never qualify as disagreements among peers. Elga's idea is that, unlike in the idealized cases of disagreement, in the real-world scenarios "issues are tangled in a cluster of controversy. As a result, though agent in those examples may count their associates as thoughtful, well-informed, quick-witted and so on, they often do not count those associates as peers" (Elga 2007, 493). His point is that idealized and real-world disagreements essentially differ in complexity because in idealized circumstances the judgment on one's track record needs not to be controversial. Using the example from the previous paragraph, when Bill and Jill disagree about who won the 10,000 meter run, their taking each other as peers depends only on what they know about each other capacity to see and to distinguish moving figures from a certain distance. There are no controversial elements affecting their judgments about each other's reliability. On the other hand, in the case of the pension policy, it is highly controversial how Bill and Jill are to evaluate each other and consider their respective track records. When Bill and Jill consider how they have respectively responded to the implementation of social policies in the past, they cannot help to base their judgment on their controversial political beliefs. The idea is that if one has a political framework diametrically opposed to that of the other, than they cannot consider each other peers for they take each other to respond wrongly to all political questions. If Bill is a

conservative and Jill is a liberal, it might well be the case that they do not disagree only on the pension reform, but also on redistribution, healthcare, employment law, and maybe also abortion, euthanasia, ecc. This is so because individuals, who tend to disagree about one controversial political matter, tend to disagree about other related political controversies. So, as Elga's argument goes, in real-world disagreements, one can always downgrade her disagreeing interlocutors and never regard them as peers. According to Elga, the problem is that the reliability of one opponent in a disagreement about real-world disputes cannot be evaluated on epistemic abilities in other domains: evaluations on political competence is to be based on one's capacity to respond to politics, as religious competence is to be judged on one's responses to religion only, and moral competence is to be ascertain with regards to one's moral responses. If peerhood about the pension reform is sought by leaving aside individual political frameworks, it is impossible for Bill and Jill to form any judgment about whether the other is a peer about the policy they are discussing (Elga 2007, 496)¹⁶⁸.

The problem with Elga's argument lies with his idea that when one is stuck in a real-world disagreement with another, for example about politics, and there is no possibility to understand whether the former should consider the latter a peer "because there is no fact of the matter" (Elga 2007, 495), *then* in such cases one can consider a disagreeing opponent epistemically inferior. Consider again Jill and Bill who are disagreeing about the pension reform. Because they have been discussing the issue for some time, they know that they are both well informed and that they have understood all each other's arguments and evidence in support of their respective

¹⁶⁸ Elga makes this argument by using an example of two friends at the opposite ends of the political spectrum, Ann and Beth, who disagree about abortion. "Rather than taking her views on the surrounding issues for granted, Ann should attend to the larger disagreement between her and Beth: disagreement about a whole cluster of issues linked with abortion. Ann should think of this whole cluster as a single compound issues, and should take into account Beth's disagreement about *that*. [...] The cluster includes a wide range of issues: whether humans have souls, the age at which humans begin feeling pain, whether rights figure prominently in a correct ethical theory, and so on. To set aside Ann's reasoning about all of these issues is to set aside a large and central chunk of her ethical and political outlook. Once so much as been set aside, there is no determinate fact about what opinion of Beth remains. Of course, Ann may have opinions about Beth's ability in other domains, such as mathematics, etiquette, and film criticism [...] Why don't they determine Ann's evaluation of Beth once abortion related matters are set aside? To see why not, note that such evaluations would depend on further opinions: opinions on the extent to which ability in other domains predicts the ability to correctly answer questions in ethics. Ann's opinions on these matters – on what sorts of abilities are predictive of good ethical reasoning – are themselves wrapped up in Ann's ethical and political views [...] Once abortion-related matters have been set aside, Ann has no determinate opinion of Beth's ability to determine whether abortion is permissible" (Elga 2007, 495-496).

position. Moreover, by discussing the pension reform and related political topics, they have arrived at the conclusion that they are both intelligent and intellectually honest, though they disagree about the rightness of the policy. In this circumstance, given the impossibility to evaluate peerhood, Elga allows Bill and Jill to downgrade and not to consider each other peers. However, it seems that if there is no fact of the matter and in real-world disagreements is really impossible to ascertain whether others are peers because of the controversial nature of one's track record, then it should not be permitted to downgrade another. If, as Elga describes them, real-world disagreements are disagreements about worldview frameworks, it is impossible to ascertain whether one's interlocutor is epistemically inferior or superior, provided that they have proved to be as intelligent, as well informed and as skilled as their interlocutor. Indeed, if there is no fact of the matter, there is also no decisive reason for one to assign to herself a better understanding of the subject matter upon which there is disagreement. To recap, Elga wants to suggest that when Bill and Jill discover that they disagree about the pension policy they look for their track record in relation to it in order to understand whether they are epistemic peers and, therefore, whether their disagreement is of any significance. The problem is that, from Bill's point of view, Jill seems to get things wrong with regards to politics in general (or maybe only about welfare policies) because, in considering her track record, he disagrees on pretty much all of her beliefs about welfare, and vice versa. At this point, it seems that neither Jill nor Bill can reasonably evaluate their epistemic credentials with regards to the pension policy. However, Elga holds that they are both entitled to stick to their convictions by downgrading the other to epistemic inferiority, but there is no good reason to do it. In fact, neither Jill nor Bill can claim on any ground that they are better epistemically equipped to get things right about the pension reform. Drawing from this discussion, I suggest that when individuals find themselves stuck in real-world disagreements with others whom they do not have grounds to decide whether to downgrade or upgrade, epistemically speaking, they should consider each other peers. If it is impossible for one to decide whether another is an epistemic inferior or superior, then she should consider her opponent a peer because there is no other option, apart from dogmatically give priority to her own point of view or dogmatically give propriety to that of her opponent.

This discussion about the definition of peer allows rejecting the distinction between idealized and real-world disagreements proposed to exclude the possibility of justifiably recognizing peers in the latter cases. It is important to note that to reject such distinction does not imply to hold that idealized cases, such as those in which perceptions are at stake, do not differ from cases of disagreement in which deep moral and political convictions are under discussion. The two cases differ profoundly, but this does not mean that it is impossible to justifiably take others as peers in both scenarios. Indeed, although it is undeniable that real-world disagreements, such as those concerning politics, morality, philosophy, or religion are extremely more complicated than those involving only perceptual capacities, the possibility of recognizing peers in such contexts is not overruled, but constitutes a concrete chance.

5.4 An epistemic reason to refrain from disagreement?

Since, as I argued in the last paragraph, disagreements about political and moral matters may be considered disagreements among peers, it is important to understand how citizens should respond to such a possible circumstance. What is important with regards to political justification from the first person standpoint is to understand whether in the face of a peer disagreement about a normatively relevant matter, citizens should rationally retain their confidence in their beliefs. To this purpose, I analyse and evaluate the different positions within the epistemological debate about the significance of disagreement, which can be divided in two main groups. The division is sensible to the classical tension in philosophy between scepticism and dogmatism. On one end of the spectrum, there are those positions called *conciliatory* (Christiansen 2007, 2009; Elga 2007) or *conformist* (Lackey 2008). Roughly put, conciliatory positions on disagreement tend to favour a more sceptical point of view on belief and argue for the idea that disagreement often requires one to, at least, diminish confidence in her belief. Conciliatory positions are in some sense concessive and risks to concede too much to disagreement in embracing an excessive degree of scepticism. On the other end, there are those positions referred to as *steadfast* (Christiansen 2009), or *non-conformist* (Lackey 2008), which embrace a sort of *live-and-let-live* attitude (Elga 2007; Christiansen 2007). Steadfast views, generally speaking, hold that one can continue to rationally believe the truth of some

proposition despite knowing that some epistemic peers explicitly believe the opposite. In short, on this account, there is no reason springing from the disagreement apt to change one's belief. It is clear that steadfast positions risk presenting a circular argument by a sort of dogmatic refusal to take epistemic competence seriously (Feldman 2006; Frances 2011). In what follows, I shall consider both perspectives in turn.

The most prominent position within conciliatory views is the equal weight view, whose core commitment regards the condition of epistemic imperfection characterizing the human capacity to construct sound and true beliefs. Not only the evidence upon which beliefs are based is limited, but also individuals' capacity to respond to evidence is not always perfect. Thus, imperfect responses and incomplete evidence require rational individuals to take into account the condition they are in. In this sense, proponents of the equal weight view argue that in the face of disagreement one should "change [one's] confidence significantly" (Christiansen 2007, 189). The line of argument for the equal weight view revolves around the following question: in a disagreement, I think that my peer has misjudged the evidence in proposing a conflicting view because I know I have been accurate and I am able to understand all the relevant matters on the topic at dispute. But then, why should this difference in beliefs provide evidence that my peer is the only one likely to be mistaken? If I can be mistaken in the same way, given that I know the other to be very accurate as I am and to understand all the relevant matters as I do, may it be the case that I am the mistaken one? The core of the equal weight view is a consideration of symmetry between peers. It is crucial to understand that this commitment to symmetry does not deny the importance of the so-called "first person standpoint". On the contrary, equal weight view defenders hold the first person standpoint to secure and support symmetry. It is precisely from the first person standpoint that one considers the possibility of being mistaken, and such possibility is considered in advance, before finding out about the disagreement. "The explanation in terms of my friend's mistake is no more reasonable than the explanation in terms of my mistake." (Christensen 2007, 198). Accordingly, the equal weight view supports two normative principles to deal with disagreement. First, it holds a principle of impartiality, which claims that explanations of disagreement should be assessed in a way independent from the

reasoning that provides a peer justification for holding her disputed belief. This first principle is understood as valid in force of the fact that being highly confident on some belief, formed by a highly reliable form of reasoning, turns into the thought that an equally informed person, who is reliable in her thinking in a similar manner, has the same probability to get things right. The second principle prescribes that, as long as two peers have reasons to think that the explanation of disagreement in terms of one's fault is as good as that of the other's fault, each should move her belief, to a certain degree, towards that of the other. The idea is that if the probability of the two to be mistaken is exactly the same, then "splitting the difference" among the different beliefs proposed is required (Elga 2007). Holding on an impartial account, proponents of the equal weight view see disagreement from a further perspective, not that within the disagreement, but that of an impartial spectator assigning similar weight to different views. From the first person perspective, peers understand their respective epistemic imperfection. By awareness of human epistemic imperfection, the impartial perspective to consider disagreement is grounded. "The first person perspective is not the dogmatic perspective: it does not entail denying or ignoring the possibility that I have made a cognitive error [...] I am perfectly capable of taking an impartial attitude toward some of my beliefs" (Christensen 2007, 204).

It is possible to draw different conclusions from the equal weight view with regards to what one is rationally required to believe upon finding out that one of her peers disagree. According to some scholars within the conciliatory approach, because of disagreement, one becomes justified in suspending judgement with regard to what one's first evidence supports. When one finds out that an epistemic peer disagrees with her about a given issue, this fact defeats whatever support she had for holding on to what she believed before the finding out about the disagreement. On this perspective, it seems that the attitude to be assumed in a disagreement is more agnostic rather than neutral. The discovery of disagreement provides evidence not to lower degrees of confidence in belief, but to resign from endorsing a belief altogether. As Feldman puts it, "the better alternative is suspending judgement. The idea that it is reasonable to maintain a belief until better evidence for some rival comes along is ludicrous" (Feldman 2006, 228). However, conciliatory theorists can also take a less radical approach by rejecting a sort of all-or-nothing attitude and focus on the effects

of peer disagreement with regards to degrees of confidence instead. The idea is that disagreement should not always change one's belief in a certain proposition or theory. Rather, what should change is the *degree* of confidence one has toward both her own and her opponent's views (Christiansen 2007).

The fact that the equal weight view is appealing cannot be denied. In particular, what seems attractive about it is its firm commitment to symmetry when it comes to disagreeing peers. According to this view, disagreements constitute evidence not only to doubt one's peers and their capacities to get things right, but also her own reliability. "My discovering that my friend has reached what seems to me to be the wrong conclusion does constitute evidence that she has made a mistake [...] However [...] the fact that she disagrees [...] also constitutes evidence that I have made a mistake" (Christiansen 2007, 196). The equal weight view is appealing because it attaches a great epistemic significance to disagreement and in so doing defends a realistic picture of human fallibility. The equal weight view seems a promising approach to peer disagreement because it applies very well to certain circumstances. Consider again the case of Bill and Jill who are at the running track and disagree about who won the 10,000 meter run at the photo finish. In simply cases like this, in which the only thing at stake is the capacity to see of the disagreeing parties, it seems intuitively right that the equal weight view is correct. If the only consideration Jill has to believe that a certain runner won is only that she saw him winning, then it seems that she needs to split the difference with Bill, provided that they are both reliable with regards to sight. They both should revise their beliefs, just as they would do with disagreeing but equally reliable thermometers, or similar measuring devices like clocks. Indeed, in such cases individuals should be considered as some sort of *truthometers* (Enoch 2011c).

However, the problem with the equal weight view is that although it can accommodate cases such as those involving perception, it delivers troubling results in more complicated scenarios. Consider the case of two medical doctors who justifiably take each other to be peers in force of their track records: they have both been right about medical treatments over the years they have been working together and each of them trust the judgment of the other. One day, in treating together a patient with cancer, they disagree about which medications are best to give her. One of them

wants to prescribe chemotherapy, whereas the other proposes a cure of aspirin and vitamin c, which of course are completely inefficacious to defeat cancer. In this case, the equal weight view requires the medical doctors to split the difference and to revise considerably their beliefs, but this just seems wrong for the aspirin and vitamin c treatment is evidently wrong. The problem is that, according to the equal weight view, disagreement constitutes a higher-order evidence for belief revision, but not for demoting one of the status of peerhood. Indeed, in order not to be arbitrary, the equal weight view needs to be based on the assumption that whether one could be considered a peer should be independent of disagreement¹⁶⁹. If one “should assess explanations for the disagreement in a way that’s independent of [...] her reasoning on the matter under dispute” (Christiansen 2007, 199), then the medical doctor willing to prescribe chemotherapy is rationally required to revise his belief in favour of treating the patient with aspirin and vitamin c. But this is not only highly undesirable, but also wrong. The fact that the equal weight view deal nicely with simple cases, but is completely dysfunctional in more complicates cases of disagreement is a reason to reject it. This is a particular problem with regards to the political domain because of the specific nature of disagreements among citizens, which do not concern matters of perceptions, but evidence and arguments.

A second critique to the equal weight view concerns the impact of numbers in the comparison of views. Praising symmetry in disagreement means taking into account all the possible views peers are to propose and, in turn, it seems reasonable to think that the bigger the number of peers against one's view, the more irrational it would be for her not to change confidence in belief. In short, it makes a difference whether one disagrees with one of her peers or with twenty of them. But what happens if she is the one who is actually right and the twenty peers mistaken? It seems at least controversial to hold that when a considerable number of peers disagrees with one, the latter should change her attitude regardless of what the correct answer is (Christensen 2007, 207). Indeed, it seems counterintuitive to regard a person holding a true belief, despite others' opinions, irrational. The trouble is that the equal weight

¹⁶⁹ “Upon finding out that an advisor disagrees, your probability that you're right should equal your prior conditional probability that you would be right. Prior to what? Prior to your thinking through the disputed issue, and finding out what the advisor thinks of it. Conditional on what? On whatever you have learned about the circumstances of the disagreement” (Elga 2007, 490).

view may constitute basis for a position sustaining that propositions and theories to believe are those most defended in debates among peers. In this sense, the equal weight view seems to have the undesirable result of grounding the possibility of assessing theories by surveying expert peers on a particular subject matter. This is particularly troubling when it comes to politics. Consider a society in which all citizens are peers and they disagree among many issues calling for political decision. Moreover, in such society the majority group is particularly large whereas the minority group is considerably small. In these circumstances, it would always be irrational for the minority not to revise belief in favour of the majority's position, regardless of the content of their dispute. In this sense, the equal weight view seems unacceptable because of the power it assigns to majorities.

A third problem with the equal weight view is theoretical in kind. Let us imagine some people defending the equal weight view and some other people, on the contrary, rejecting it, as it happens among epistemologists, who challenge each other over this issue. Let us further imagine all these philosophers to be peers with regard to the debate on epistemic disagreement. Then the equal weight view would recommend its supporters to suspend judgement, or lower the degree of confidence about the equal weight view itself, which seems problematic. It should be noted that this argument does not claim that the equal weight view is self-defeating for requiring to suspend judgment, or to lower confidence does not entail, strictly speaking, a negation of the view. However, it shows at least that there is a pragmatic contradiction for those theorists defending it: the equal weight view cannot be claimed to be better at explaining disagreement and yet that it should be endorsed above the other theories. At best, the equal weight view is self-undermining (Enoch 2011c, 10 fn19) which remains a problem that cannot be cured by invoking some form of humility in philosophy (Christiansen 2009).

Finally, the equal weight view is worrisome because of its proximity to scepticism. The need to reduce confidence to the point of suspending judgement means moving towards a zone where holding a belief is less and less justified. Radical approaches of conciliatory views usually are based on concerns similar to those linked with religious disagreement, which makes the link to agnosticism even more explicit. Feldman, for example, proudly presents his position as a "kind of contingent real-world scepticism"

(Feldman 2006, 217). The problem is that if the equal weight view is true, individuals should lower their degree of confidence in almost all of their beliefs concerning controversial matters, where disagreement is most likely to arise. However, it seems implausible that rationality requires such *spinlessness* (Elga 2007), and to kiss goodbye convictions on so many controversial matters, such as politics, morality, religion, or even science (Pettit 2006; Van Inwagen 1996).

In opposition to conciliatory views of disagreement, it is possible to embrace a steadfast position. To put it roughly, a steadfast perspective on peer disagreement argues that one may maintain her confidence in the face of others who believe otherwise. Steadfast positions firmly reject scepticism and hold that the fact of peer disagreement does not undermine one's rationality of maintaining a belief. In this sense, steadfast positions assign a priority to the first person standpoint in defending the idea that, in forming and revising a belief, the one who owns such belief has a unique and not eliminable role. There is an inescapable inner perspective within disagreement, which makes it impossible to totally eliminate one's own point of view, to bracket its importance and acquire a perfect, third-personal, impartial perspective (Foley 2001; Kelly 2006; Enoch 2011c). Of course, this does not mean that disagreement is neither puzzling, nor problematic. Rather, it does not pose a crucial, or definitive threat to one's rationality in holding to a certain belief. It may seem that steadfast positions can avoid scepticism, but need to assume a dogmatic view in defending the highly implausible outcome that one should remain as confident in her view every time she is confronted with another opposite opinion. So, does going steadfast require considering disagreement epistemically irrelevant¹⁷⁰? Kelly's approach, which is the most prominent theory in the steadfast camp, starts from the idea the equal weight view does not accord sufficient relevance to the normative significance of the evidence at play in a peer disagreement. Imagine that a shared piece of evidence, in fact, strongly supports one's belief. If another, who is her peer misjudges and wrongly believes an opposite beliefs producing a disagreement, then it is rational for the one who evaluated correctly the shared evidence to retain her correct belief. She can stick to her correct evaluation of the evidence, despite disagreement with her peer. In this sense, Kelly works with the idea that there is an

¹⁷⁰ Thomas Kelly argued something along the thought that disagreement is irrelevant (2005), but has revised his position (2010).

asymmetry between peers in the evaluation of a particular piece of evidence: one reasoned correctly and should not revise her belief; the other is wrong and should change her belief. “The rationality of the parties engaged in [an epistemic disagreement] will typically depend on who has in fact correctly evaluated the available evidence and who has not” (Kelly 2005, 180). Moreover, Kelly argues that what is rationally to believe in a disagreement depends on both kind of evidence, the first-order one collected before the disagreement, and the higher-order one springing from the disagreement itself. In opposition to the equal weight view, which accords priority to the higher-order evidence, Kelly’s position suggests that the evidence springing from disagreement cannot always sweep out the first-order one (2010). Indeed, in assessing one’s beliefs, all pieces of evidence should be weighted together and rely on the total available evidence.

Kelly’s position is problematic because it shifts the question of peer disagreement. Indeed, the problem and interest of thinking about peer disagreements do not rest on peers’ reasoning and the evaluation of the overall evidence. Rather, the question of the epistemic significance of disagreement concerns how individuals should respond to peer disagreement in terms of how they should update their beliefs in the face of it. Peer disagreement is a problem placed within the broader issue of epistemic fallibility and it is interesting only with regards to it. Although it is possible (upon defending externalist considerations) to think that one may be epistemically justified in believing a proposition even if she does not know whether she is in fact justified, this does not help understanding what one should believe in the face of disagreement. In this respect, Kelly’s view is highly unsatisfactory: since in a peer disagreement it is simply impossible to know who is right and who is wrong, Kelly’s advice that the solution lies in the total evidence and in the hidden asymmetry is useless. Imagine two individuals stuck in a peer disagreement upon a certain issue. According to Kelly’s proposal, in trying to address their disagreement fairly, they should understand who responded rationally and correctly to the first evidence in order to understand who should revise belief. But this is disappointing for if they knew who responded correctly to the initial evidence there would be no disagreement in the first place. As Kelly himself notes, “of course, there is no magic red light that illuminates when one responds to the evidence correctly, no warning bell that sounds when one does not” (2010, 169). But then how

is the mistaken party to change her beliefs and the correct one to hold it? Moreover, in this scenario, it seems particularly troubling to think that even those who reasoned correctly and reached a right belief (and may not know about it) should not be concerned with peers disagreeing with them. It is not clear why peer disagreement should be irrelevant for them in considering what to believe.

The problems with the equal weight view concern a drift towards scepticism and a suffocating symmetry among peers, making it impossible to retain their beliefs even when their disagreeing parties are clearly wrong. On the other hand, Kelly's view seems dogmatic and simply uninteresting for the problem here under consideration. A more promising candidate for my purposes seems to be a slightly different version of the common sense view (Enoch 2011c), which is a steadfast position arguing for the epistemic significance of disagreement and the possibility to stick to one's beliefs in the face of peers' opposition, though avoiding dogmatism by requiring individuals to lowering the level of confidence in their beliefs. Such a position starts with the idea that the issue of peer disagreement should be tackled from a first person perspective. Indeed, the idea is that an individual's own perspective plays a crucial role in revising her own beliefs¹⁷¹ for it is an inescapable fact that the first person perspective is just not eliminable¹⁷². The ineliminability of the first person standpoint involves some degrees of self-trust because, although from a third person perspective neither party to a peer disagreement seems to be able to claim superiority, from the first person standpoint one cannot help to think to have reasoned better than her disagreeing opponents¹⁷³. Because of this self-trust built on the impossibility to escape one's own

¹⁷¹ "Suppose we accept the Equal Weight View. Then, to repeat, 'upon finding out that an advisor disagrees, your probability that you are right should equal your prior conditional probability that you would be right.' But, of course, the prior conditional probability mentioned here is your prior conditional probability. And here too you may be wrong. Indeed, you may have views on how likely it is that your prior conditional probability is right (or that your belief about these probabilities is true), and how likely is that, say, Adam's prior probability is right. Perhaps, for instance, you think both of you are equally likely to be right about such matters. So if you and Adam differ on the relevant prior conditional probability, the Equal Weight View requires that you give not your views equal weights. But of course what does the work here is *your* priori conditional probability that you or Adam would be right about prior conditional probabilities. And here too you may have views about how likely you and others are to get it right, but here this view will be *your* view, and so on, perhaps ad infinitum" (Enoch 2011c, 17)

¹⁷² See also Wedgwood 2010.

¹⁷³ Wedgwood, for example, argues for "egocentric epistemic bias" to be legitimate. According to such view, there is a fundamental asymmetry between one's own intuitions and those of other people. For this reason, it is rational to trust one's own intuition *a priori*, whereas it is only rational for one to trust other people's intuitions if one has some independent reason, prior to the disagreement, to regard them as reliable. The idea is that one's own perspective on the world is privileged because of the

prospect, it is possible to take disagreement to demote one's epistemic peers. And why should not this be case? Given that standards of peerhood are, as said in the previous section, set on the capacity to get things right on specific matters on the basis of one's epistemic reliability, namely on the manifested capacity to respond in the right manner to related and similar questions to that under discussion, it is possible to revise one's beliefs concerning the status of others, whom one justifiably takes to be her peer. In this sense, disagreement becomes an opportunity not only to test one's beliefs, but also to revise whether her peers should be demoted. The possibility of demoting is provided in a non-dogmatic fashion. The point is that within the first person perspective you can neither demote your peer nor retain your beliefs on the basis that you believe so and so. Of course, that would be dogmatic and rationally unacceptable. Rather, from the first person standpoint, the reason for demoting is not that one simply believes a certain proposition, but rather that the proposition in question is true. "Your reason to change your mind about [you peer's] reliability is – together with his belief that not-p – not that you believe that p, but rather that p (as you believe)" (Enoch 2011c, 30). In this sense, the possibility of demoting is given not because one takes herself to be correct, but in virtue of the fact that things stands in a certain way, according to her. Demoting rests on the fact that, from the first person standpoint, one's peer just responded wrongly to the situation (according to her) losing one point in the epistemic reliability game¹⁷⁴. Of course, since it is not rational to change one's beliefs because of an epistemic inferior's opinion, the possibility of demoting peers allows one to hold on to her own judgment. However, it is not evidence for demoting oneself because if her reason for demoting a peer is that p is true and that the other's belief about p does not fit the facts (according to her), one can consider herself justified in responding correctly to the circumstances. And of course the same goes for the other peer. To make an example, consider Bill and Jill,

intrinsic nature of intuition. Therefore, it is perfectly rational sometimes to be impressed by other people's intuitions, which do constitute an important source of evidence. However, in general, when other people's intuitions are not convincing, regardless their soundness and logical construction, it is rational to stick to one's intuitions in force of their intimate relation with the thinker, between thoughts and their owner. In short, "it is rational to have a primitive trust in one's own intuitions, but not in the intuitions of others. [...] Widespread disagreement [...] may not require us to suspend judgement [...] it may allow each of us to continue having more confidence in the propositions that we believe" (Wedgwood 2007, 263).

¹⁷⁴ "A significant part of your evidence as to someone's reliability on some topic is her track record [...] on that topic, that is, how often she – *as you believe* – got things right" (Enoch 2011c, 21).

who are disagreeing peers. Bill can think that since it is a fact that p (as he believes) and that Jill believes $\text{non-}p$, there is evidence against Jill. However, at the same time, Jill can think that since it is a fact that $\text{non-}p$ (as she believes) and that Bill believes p , there is evidence against Bill. In this sense, peers are symmetrical for they both can demote.

It is important to understand that disagreement does not constitute only evidence to demote, but also to lower one's confidence in her beliefs. The idea is that since peer disagreement is of epistemic relevance and that reliability is not an all-or-nothing matter, when one demotes a peer, the latter does not turn into a completely epistemic unreliable person. If one's track record makes it the case that she is highly reliable about a certain matter, one mistake cannot totally and dramatically jeopardize her reliability. As reliability is slowly constructed from a situation to another, so it is unreliability. Because of a mistake, one does not turn unreliable, though she becomes less reliable. For this reason, I claim that the fact that a slightly-less-reliable person disagrees provides a partial defeater to one's beliefs. A defeater for a belief P is something, such as another belief, which makes it irrational to continue to hold P (Plantinga 2000, 359-361). "If p is a reason for S to believe q , r is a defeater for this reason if and only if $(p\&r)$ is not a reason for S to believe q ." (Pollock 1986, 38). Consequently, a partial defeater is something causing a loss of some, but not all of the justification for a belief. In this sense, although one can demote her peer in cases of disagreement, she gains a partial defeater nonetheless because peers' reliability does not vanish in force of one mistake. Of course, the more one is likely to be mistaken on similar issues, the more the partial defeater has a reduced impact. The force of a partial defeater needs to be proportional to a peer's degree of reliability, given her track record. In this sense, the general idea of partial defeaters with regards to the problem of epistemic disagreement is straightforward: disagreements among peers are neither such that each one's belief is fully defeated, nor such that each one can stick to their guns totally undefeated (Thune 2010).

Two considerations may help to understand the idea of partial defeaters. First, following Plantinga (1993), there are differing degrees of confidence with which we hold our belief, even if we cannot measure them. To make an example, I believe that Bonatchesse is in Switzerland, that the string theory is correct, and that I am a female

with different degrees of confidence. Second, degrees of confidence with which we hold our beliefs often change over time and in response to various stimuli. To make an example, in primary school I learned that the provinces of the Italian region of Piedmont are eight. Now, I still hold that belief, I checked the position of each province on the atlas I used to carry at school and I have no reason to doubt the atlas. But if someone shows me that the atlas I used in school is not updated for it was printed in 1993, and that the number of provinces within the Italian territory, in general, have changed, considering, for example, that another Italian region, Lombardy, added one province to its political subdivision, what should my reaction be? I have not been told that the number of provinces in Piedmont has changed, but that it might be the case. Given this new scenario, some justification for my belief is lost in force of additional evidence, namely someone telling me that my atlas is not updated and that Italian regions in the past years have been revising the number of their provinces. This new evidence is not a total defeater, in the strict sense, but a partial one. I would need to check on an updated atlas to test whether my belief about provinces in Piedmont is still true, but until then I am reasonably less justified in holding it. Similarly, in the case of peer disagreement, it is important to understand that individuals are peers with regards to given subject matters, but they do not stop being overall reliable the minute they make one mistake. The fact that once in her life Jill got a fine for speeding certainly says something about her being wrong, but does not make her an overall bad and dangerous driver. In this sense, the fact that a disagreeing peer, whom was demoted because wrong on a particular occasion, is still reliable to a certain degree gives a reason for one to keep her beliefs while acknowledging a partial defeater. The conclusion of this reasoning is that disagreement cannot be escaped without acquiring at least a partial defeater. The belief of one's peer cannot be totally discarded, even though one is entitled to hold on to what is right (according to her).

5.5 Conclusions

In this chapter I attempted to understand how individuals should respond to disagreement. Within the structure of this work this is an important topic for, given the model of political justification from the first person standpoint I defend, it is essential to consider whether disagreement itself may constitute a reason to refrain

from it. If citizens are not required to give each other public reason because providing personal reasons in political justification does not constitute a civic vice, it is important to understand whether they can sustain their ideas in the face of disagreement, or whether they should opt for a compromise, at the practical level.

Concerning the issue of what practical requirements are triggered by normative disagreement in the political domain, I argued that citizens should not retreat support to their preferred political positions for otherwise it would be impossible for them to understand the disagreement's character and the means to employ in order to treat it. Indeed, it makes a difference whether a disagreement arises because of a normative error, or because there is a dispute about non-normative facts. Moreover, I argued that, in cases of disagreement due to normative indeterminacy, it might be necessary for citizens to attempt to reach pragmatic compromises because principled compromises are unavailable and impossible to gain. Not only in certain cases, such as that of abortion, it seems extremely difficult to understand how a compromise should look like, but it seems also that disagreeing citizens would have no reason to consider the principled compromise a better normative option in comparison with their own particular views. In this sense, normative disagreement does not constitute a reason to seek for a moral compromise.

I then turned to the epistemology of disagreement to comprehend whether disagreement provides a reason to suspend one's judgment about a given matter. First, I set the stage of my discussion by arguing that peer disagreements among controversial and complicated matters, such as those arising in political discussions, are possible and so explained why the problem of peer disagreement is relevant to my work. Second, by analysing the different proposals in the epistemological debates about peer disagreement, I rejected the equal weight view and Kelly's position, and I embraced a sort of middle ground approach. According to such position, citizens can retain their beliefs in the face of disagreement while acknowledging a partial defeater, which requires them to lower the level of confidence in their beliefs. This is particularly relevant for my understanding of deliberation, which I will explicate in more details in the next chapter, because given the model of justification from the first person standpoint I defend, citizens engaging in deliberation need to know whether it is rational for them to hold on to what they believe in order to propose their reasons to

their fellows. If it was rational for a citizen not to stick to one's guns in the face of disagreement, justification from the first person standpoint would turn out to be flawed in paralyzing the political agenda on controversial matters upon which citizens disagree. Luckily, given my arguments, it seems that this is not the case.

CHAPTER 6

Principles of deliberation: respect and sincerity revised

6.0 Introduction

The last chapter of this work is devoted to the normative issue of political deliberation¹⁷⁵ and its practice. In what follows, I neither resolve all the problems of how to organize political deliberation in contemporary democratic societies, where normative disagreements are particularly widespread, nor specify a general institutional architecture and particular procedures to cope with particular disagreements. These topics are too broad for me to even hope to find a satisfactory and convincing proposal for them. Moreover, I am tempted to think that, in order to be meaningful, such a proposal would necessitate to be supported by some empirical considerations, the study of which inevitably falls outside the scope of this work. Rather, in this chapter I am concerned with two particular principles of deliberation, which are extremely important for justificatory approaches to disagreement, namely the principle of respect and the principle of sincerity. Justificatory liberals defend the ideas that the principle of respect constitutes the basis for public justification and that citizens are morally required to be sincere when they engage in public justification. In this sense, citizens are required to advance only public reasons in virtue of the principle of respect and, in order to engage in public justification successfully, they

¹⁷⁵ I use the term “deliberation” to refer to the practice of justifying one’s preferred law and policies to her fellow citizens. In this sense, according to my view, political justification and deliberation refer to the same thing in the sense that deliberation consists in the means to achieve justification. In this sense, deliberation is somehow similar to what Kevin Vallier calls “public discourse”, which refers to a cluster of behaviours that citizens pursue in their political lives in shaping the structure of political institutions, intended in a broad sense (2012). I prefer to talk of deliberation for explanatory reasons: it is a term that better captures the situation in which the actual practice of talking through a certain matter is carried out. Moreover, deliberation is a particularly appropriate term for I intend political justification as a practice of collective reasoning about what is ought to do within the context of a democratic society.

need to sincerely believe in those very reasons. In what follows, I critically analyse and evaluate both ideas in turn. Indeed, public justification theorists defend the claim that it is respect for citizens to motivate the need to bracket one's own reasons and to advance in deliberation only reasons that are somehow acceptable from everyone's point of view. I contend that such an understanding of respect is misleading for it fails at taking individuals' convictions and beliefs seriously. Indeed, from my point of view the link between public justification and respect is not all obvious or clear as public justification theorists presume. It seems that philosophical accounts of public justification hold on to a very controversial notion of respect that overturns its significance by obliging citizens not to properly engage and discuss issues about which they disagree. In contrast, I here propose a different understanding of respect for citizens which allows them to propose laws and principles on the basis of reasons that although are not public in the sense of justificatory liberalism, are not unexamined or random, but pass careful and accurate scrutiny.

Moreover, I discuss the principle of sincerity, which constrains public justification and argue that it simply does not render everything public justification theorists want to have from deliberation. Indeed, justificatory political philosophers introduce the principle of sincerity in order to save public justification from the objection that it permits and perhaps encourages citizens to give insincere justifications for their favourite policies. Public justification, it is argued, runs the risk of stimulating a sort of cheating in public debates by demanding citizens to employ in their justification those public reasons reasonable from everyone's point of view even when they do not find them convincing. The principle of sincerity is meant to eschew this problem and to ensure the possibility of deliberation. However, the different understandings of the principle of sincerity that have been proposed are essentially unstable and lack a meaningful and coherent justification. For this reason, they cannot really achieve those deliberative benefits they aim to secure. I propose that, within the perspective of the first-person standpoint presented in the previous chapter, it is possible to propose a principle of reliability apt to promote free and open deliberations and to build relations of trust among citizens. If, as public justification theorists argue, deliberation needs to be free of cheating and deceiving behaviour in order to be

successful, what is needed is not a principle of sincerity, but a requirement of reliability.

This chapter proceeds as follows: in the first section, I recall the role played by the principle of respect in justificatory accounts of political philosophy and discuss some of the difficulties it generates. In particular, I focus on the unexplained link between the requirements of respect and the necessity of public justification, which is supposedly implied by the former. In the second section, I put forward my understanding of the principle of respect as a particular form of *recognition respect*, to put it in the words of Darwall's famous distinction, specific for the political arena. It is needless to say that my understanding of respect, based on the idea that respecting one does not imply agreeing with her ideas and arguments, is not tied with any understanding of public justification. In the third section, I shift to the problem of sincerity and I analyse the different proposals that have been put forward in the literature by both consensus and convergence theorists of public justification. I attempt to show that, in both cases, the proposed principles of sincerity are inconsistent. In section four, I analyse the notion of sincerity more generally and provide some arguments to show that it is a practically irrelevant concept and thus should not play any role in the business of political deliberation. Finally, in the fifth section, I put forward a principle of reliability in deliberation, alternative to that of sincerity, apt to contrast the problem of cheating. In this sense, the general aim of this final chapter is to propose some general principles for an ideal of citizenship suitable for citizens living in democratic societies characterized by deep and intractable disagreements

6.1 Does respect trigger public justification?

As seen in the first chapters of this work, justificatory forms of liberalism respond to the question of legitimacy and justification of political authority with the device of public justification. Grounding the idea of public justification is the principle of respect: citizens should present and defend their preferred laws, policies, and principles on the basis of public reasons because they ought to respect their fellow citizens. The reason why each citizen is required to support only those coercive measures that are presented as acceptable from everyone's point of view is that respect prescribes it. As Charler Larmore puts it, "to respect another person [...] is to insist that coercive or

political principles be just as justifiable to that person as they are to us. Equal respect involves treating in this way all persons to which such principles are to apply” (1990, 349). The idea is that, given the various and irreconcilable opinions concerning moral and philosophical matters, to respect a person means to assume a *bracketing strategy* (Wall 1998, 29-43) in restraining one’s reasons for coercive policies and political principles only to those suited for public justification. In this sense, those who do not restrict their reasons in political deliberations to public reasons only are morally objectionable for they fail to meet the requirements of respect.

This appeal to respect seems obscure for it is unclear not only whether respect indeed triggers restraint and in turn public justification, but also what respect for persons actually is. Since I devoted the first part of this work to examine the two most prominent accounts of justificatory liberalism, in what follows I do not tackle specific arguments defending the link between respect for persons and public justification. Rather, I propose two examples of persons violating the rules of public justification by advancing non-public reasons in order to understand whether they can be said to respect their fellow citizens nonetheless. If I can successfully construct such examples, the chain from respect to public justification is broken. The point is to understand whether one not abiding by the rules of restraint imposed by public justification should be considered a thoughtless, disrespectful, bad citizen. As it has been noted, the argument for public justification gains a lot of its appeal by the rhetoric with which it is usually presented (Eberle 2002, 110). Normally, when we think of someone who does not practice restraint in political deliberation, real unreasonable (in the non-Rawlsian sense of the term) persons come into mind, as for example those opposing same sex marriage on the basis that homosexuality is an abomination against God and that it perverts the idea of a natural and traditional family. There is no doubt that such persons are disrespectful, but it seems that the reason why they lack respect has nothing to do with the fact that they refuse to endorse the bracketing strategy by appealing to non-public, religiously flavoured reasons. Rather, they are disrespectful because they insult and deliberately offend a group of their fellow citizens. Is it possible then to refuse the bracketing strategy and to respect others at the same time?

Consider the case of Jill, who has a strong opinion on the philosophical problem of moral luck for she thinks that it is not normatively relevant. In this sense, Jill is strongly committed to the belief that luck does not play any role in moral assessments and evaluations and defends the *condition of control* according to which “we are morally assessable only to the extent that what we are assessed for depends on facts under our control” (Nelkin 2012). Jill holds this opinion neither by chance nor thoughtlessly. She has reasoned carefully on the issue, she has read Nagel and Williams’s famous articles (Nagel 1979; Williams 1981) and she has considered how at the phenomenological level luck seems to effect our moral evaluation. However, she has arrived at the conclusion that the *epistemic argument* (Latus 2000) is sound (Richards 1986; Rosebury 1995) and that intuitions concerning moral luck are incoherent (Rescher 1993a) and should be rejected (Enoch and Marmor forthcoming). Given her strong commitment to the normative irrelevance of moral luck, Jill believes that an action’s results should not be taken into account in determining legal punishment. Since justified punishment should somehow track moral blameworthiness, Jill thinks that it makes no difference if by accident an intended harmful outcome has not occurred and, thus, in political deliberation proposes a change in criminal law to cancel the differential punishment accorded to attempted murders and actual murders¹⁷⁶. In advancing her reform for the criminal law, Jill shows three main characteristics. First, she is lead by a strong philosophical argument to affirm the proposition that differential punishment for attempted murders and actual murders should be cancelled. Second, given her strong belief in the inexistence of moral luck, Jill thinks she is compelled to try to make a change in her society’s institutional system by pursuing all kinds of policy initiatives. Third, she violates the bracketing strategy for she appeals to a controversial philosophical argument to defend her opinion and is not willing to provide others only with reasons (if there are any) they could accept to achieve her preferred reform. Indeed, she thinks her fellow citizens may have other reasons to accept her proposal, but she cannot hide the fact that her rationale has to

¹⁷⁶ I do not mean to argue that if one believes that there is no moral luck, she is compelled to argue that outcomes do not matter when it comes to legal punishment. For example, it is possible to claim that although they are both culpable and equally morally blameworthy, there are consequentialist reasons to treat differently an attempted murderer and a murderer. On this point, see Jensen 1984. However, for the sake of my argument, Jill is familiar with the legal debates about differential punishment about attempts and completed crimes and she has come to the conclusion that there should be no such difference.

do with her philosophical belief that moral luck should not count when it comes to legal punishment. In the end, her position crucially depends on this aspect. To promote her ideas, she engages in long and serious deliberation with her fellow citizens. She is open to rebut all the arguments that may be posed by others against her convictions and is ready to challenge others' beliefs by defending rigorous arguments. At the end of deliberation, it may be the case that Jill concludes that she has not succeeded in persuading her fellow citizens of the truth of her position, for most of them consider differential punishment for attempts and completed crimes just. Given the importance of the issue and how strongly Jill feels about it, she persists in supporting her reform even though she knows she cannot convince her fellow citizens that it is right. Of course, to keep supporting a reform does not mean to try to find a way to violently impose one's preferred policy, but only to pursue available political initiatives to change the law.

Consider now the case of Bill, who has a strong conviction concerning abortion for he is a member of an anti-abortion movement advocating against the practice of abortion. Bill does not hold his belief by chance or carelessly. He thinks that the choice of abortion is objectively immoral and wrong because of the moral status of the fetus: since the fetus is a human being, it should not be killed. Bill has considered those arguments stating that there is a difference between human beings and persons, and that fetuses are not persons because they do not exercise higher mental capacities or functions, such as self-awareness (Tooley 1983; Singer 1993). However, in facing the question "what is a person?", Bill cannot help to think that the separateness of body and mind (whose developments enable self-awareness) makes no sense for human beings are living bodily entities and, thus, they become persons at conception. Bill is religiously committed and part of his convictions derives from his religious background, but he would not hold beliefs that are evidently against science. Since the idea that human beings become persons at conception is not against science and at the same time compatible with his beliefs about God, Bill advocates against abortion, which from his point of view is absolutely wrong. Bill has a strong conviction about abortion, supported by a strong philosophical and religious view about the grounds of moral status. Such a strong conviction compels him to try to conform his society to his idea. Finally, he is willing not to observe the rules of the bracketing strategy in

presenting reasons, which are both philosophical and religious, in order to support his claims. It is important to understand that the anti-abortion movement in which Bill participates condemns violence committed against individuals and organizations that provide abortions, including destruction of property, vandalism, and crimes against people in general. In this sense, Bill and the other members of the organization are willing to propose a law apt to ban abortion, but they are to promote their ideas throughout a serious engagement in discussions with their fellow citizens. They are willing to propose their arguments and to challenge others in deep and rigorous deliberation, hoping to persuade them of the truth of their position. Moreover, they are willing to accept a *pragmatic compromise*, namely a compromise dictated only by contingent circumstances in order to achieve some of one's goals (for example, the ban of abortion after a certain number of weeks of pregnancy), if they realize they are unable to convince their fellow citizens of their ideas, at least for the moment. However, they are firm in stating that they cannot agree on a *moral compromise* on the issue of abortion¹⁷⁷ because they have no normative reasons to accept a moral loss such as that produced by the support of a pro-choice policy.

Should Jill and Bill be considered disrespectful, bad citizens? I cannot see why that should be the case. They do not enjoy proposing their non-public reasons in political deliberation, such reasons do not rise from the desire to impose their preferred views on others, they are not indifferent to their fellow citizens' commitments for they take them seriously and rigorously evaluate their merits and points. However, they cannot help themselves to act in accordance with their reasoned moral convictions. Moreover, they are willing to engage in deliberation and to exchange reasons and, thus, to expose their arguments to criticisms. Finally, they are not to subvert the political order if they fail at convincing their fellow citizens of the truth and rightness of their proposals, but they are to retain their position and to try to bring a change in the law with all the possible legal means available to them. From my point of view, Jill and Bill can be considered *model citizens*, namely persons "who [have] good reasons for believing that [their] ideals and values are sound, [have] a good measure of confidence

¹⁷⁷ For a discussion on the pragmatic reasons for moral compromise and on the impossibility of a principled reason to pursue moral compromise with particular reference to the problem of abortion, see Căbulea May 2005.

in these reasons and [have] a strong desire to promote [their] ideals and values through political action because [they] believe they are sound” (Wall 1998, 30-31).

6.2 Respect without public justification

The examples of Bill and Jill help us understanding that respect does not necessarily trigger public justification for it is possible for citizens to be respectful towards their fellow citizens even if they offer non-public reasons in political deliberation. However, what respect exactly is and what requirements it commends are points still standing in need of clarification. Indeed, although the notion of respect seems quite straightforward in everyday usage and not controversial to most individuals, it is difficult to grasp what it actually is, in particular with regards to the public square. This is so because respect is a complex concept around which many different questions revolve: how should respect be understood in general? What kind of object is it (a behaviour, an attitude, a mental state)? What are the bases for respect? And so on. A first complexity with regards to the notion of respect has to do with the fact that the kinds of objects and features to whom and for which respect is required are various and numerous. It is obvious that persons are to be respected, but they are not the only ones for the kinds of objects we regard we ought to respect include a great array of living and non-living things, for example animals and the environment. A second difficulty concerns the fact that a particular object can be respected in different ways. For example, one can respect Usain Bolt not only as a person, but also as a great athlete. Furthermore, a mountain climber is said to respect the elements of nature and a judge to respect the law. In this sense, there are different meanings that can be attached to the notion of respect. Moreover, respect seems to be involved with different references: an attitude or a mental state; a behaviour; a duty; a right. Here, I am not concerned with providing a full-fledged theory of respect. Such a task falls besides the scope and possibility of this work. Rather, I am interested in developing a concept of respect suited for political deliberation, thus a notion that is somehow modest in scope for it is meant to capture only that attitude we ought our fellow citizens when we deliberate about policies, laws, and political principles. It might be objected to my argument that I provide a too thin conception of respect, which fails at capturing all the different features at stake in such a concept. I acknowledge this.

However, since my intent is to defend a specific kind of respect meant to address political deliberations, I shall focus only on a particular instance of what it means to have respect for persons and leave these other complexities aside.

When it comes to political deliberation, what is needed is not a form of *appraisal respect*. Since appraisal respect “consists in a positive appraisal of a person or his qualities [and] it is like esteem or a high regard for someone” (Darwall 1977, 39), it cannot provide a good basis for respect in political deliberation for the fact that one is respected in virtue of her bravery and courage and another is not estimated because of her lack of will is irrelevant in political debates. Since political deliberation concerns each and every citizen living in a particular society despite his or her personal traits and qualities, the kind of respect needed is a form of *recognition respect*, namely a disposition to “give appropriate weight to the fact that [a person] is a person by be willing to constraint one’s behaviour in ways required by that fact” (Darwall 1977, 45)¹⁷⁸. Among citizens who are engaged in deliberation, respect is not required on a matter of individual excellence, it is not conferred in terms of merit. Rather, respect is required despite what particular individuals think of their fellow citizens, whether they like them, find them intelligent or warm-hearted. Respect among citizens cannot admit of degrees because it needs to be granted to all in virtue of the fact that they are citizens. So, the kind of respect I am interested in is a particular form of recognition respect with a specific political sense. If recognition respect is generally understood in terms of the moral consideration due to every person *qua* person, the notion of respect I aim to outline targets individuals *qua* members of a society. This latter kind of respect is directly linked and grounded in the idea of respect for persons understood as subjects with a consciousness of themselves as agents, capable of having projects and of assessing achievements. Accordingly, to respect a person is “to conceive [...] him as actually or potentially a chooser, as one attempting to steer his own course

¹⁷⁸ Although most justificatory liberals claim to adhere to Darwall’s characterization of recognition respect to account for their theories, it seems that they in fact employ a peculiar idea of appraisal respect when it comes to public justification. Consider for example Rawls’s idea of reasonableness and how it works within his general understanding of public reason. If public justification regards only reasonable citizens, this means that respect, which is what fundamentally triggers the requirement to use public reasons in political reasoning, is due only to reasonable citizens. However, if respect is not for persons *qua* persons, but for persons *qua* reasonable persons, then it is a form of appraisal for it pertains a particular feature of certain persons. I made a similar point in chapter 1, and I shall not develop it here any further for I have already devoted a great chunk of this work to criticizing justificatory political philosophy and in this chapter I rather put forward some constructive principles. Here, I intend this point only as a provocative suggestion.

through the world [...] It is to understand that his life is for him a kind of enterprise [...] not merely a succession of more or less fortunate happenings” (Benn 1984, 229). The point is that because individuals conceive their lives as enterprises, they participate and care about their society and the manner in which its institutions are shaped for such institutions may have an impact on their aims and achievements. If persons were not that kind of beings capable of having projects, it would make not such a great difference for them to share a society. So, to respect a citizen as a member of a society means to accord due moral weight to the fact that the persons one shares her society with are themselves participants in political deliberation and affected by its outcomes in their projects and achievements.

But what does it mean for an individual to accord due moral weight to the fact that the persons she shares her society with participate in and are affected by political deliberation? To put it in the most general sense possible, it means to take into account that this fact places certain constraints and requirements on how individuals should act in political deliberation: respect requires them to be sensitive to this fact by taking it seriously and weighting it appropriately in their actions and modes of relation. Being respectful means to observe certain restrictions on possible kinds of behaviours, prescribing which ones are appropriate. What I shall call *deliberative respect* is somehow similar to Eberle’s idea of *conscientious engagement* (2002, 84-108; 2009) and rests on some premises, which consist in general considerations about the condition of citizens¹⁷⁹. First, it is to be recognized that citizens living in liberal and democratic societies genuinely disagree among certain issues and may have not only different convictions, but also different cares and concerns. They hold divergent ideas and are interested in various specific matters. Second, it is important to consider that sharing a society means to contribute in taking decisions affecting all the persons living in there. Being a part of a society requires individuals to choose in finding some arrangements that inevitably constraint others in some ways. Third, it is necessary to understand that individuals are generally averse to being coerced. Since coercion is directly connected to punishment and threats of punishment, adult and autonomous

¹⁷⁹ By using the term “citizen” I do not mean to exclude from the requirements of deliberative respect those individuals who live within a society, but do not legally enjoy political rights. The problem of respect is not the problem of actual citizenship for minorities. In this sense, I use “citizen” to refer to “member of a society, sharing a defined piece of land and institutions with others”. The two expressions are here interchangeable.

citizens care deeply about it for they want neither to be damaged, nor for their liberty to be restricted. Indeed, individuals generally oppose being forced to act in ways they think are wrong for themselves. Of course, the fact that individuals are averse to coercion is irrelevant to ground any normative requirement by itself. The fact that individuals dislike any restriction of their freedom does not provide normative basis for eliminating coercion, and some restrictions of liberty are indeed right. If Bill is averse to the state's imposition of sending his kids to school because he would like them not to be educated, his aversion is irrelevant to the fact that his kids are entitled to education. However, aversion to coercion may sometimes be legitimate nonetheless because it constitutes an infringement upon one's agency. If Bill is adverse to the state's imposition of taxes to redistribute goods, his aversion is not irrelevant because, on his libertarian view, taxes are indeed an infringement upon his autonomy and his opportunity to spend and invest the money he has in the ways he pleases.

Given these three considerations, it follows that citizens should not be coerced without justification and, since they all can affect the life of their fellows in making political choices and contributing to political decisions, there is a *prima facie* obligation for every citizen not to coerce others, unless it is morally appropriate. If there is a presumption against coercion (and one in favour of liberty), it should be restricted only to those situations in which it is justified. Therefore, citizens who can coerce others with their political actions need to reach and offer the best possible reasons for their convictions. Indeed, in order to understand whether coercion is morally appropriate, and therefore pursuable, citizens must deeply reflect on their beliefs and rely only on those that they consider justified¹⁸⁰. Because they have an impact on their fellows' life with their decisions and may contribute to the coercion of some of them, citizens should strive to arrive at the most correct beliefs possible. This means that a citizen needs to deeply judge her claims and ideas in presenting them in political deliberation and to test them in discussion with others. Indeed, in comparing different beliefs and in exposing them to others' disputative challenge, it is possible to better clarify one's arguments and reasons. Throughout debating one's convictions with others, a citizen

¹⁸⁰ The idea of justification at play in this chapter refers to the model of justification from the first person standpoint I presented and defended in the previous chapter. Therefore, in this context, presenting and having justifications amounts to presenting and having personal reasons, reached throughout careful scrutiny by respecting evidences and being disposed to respond appropriately to normatively relevant circumstances (see Chapter 5 of this work).

can not only achieve a higher degree of trust in her claims than the one she would acquire by reasoning alone, but also correct her ideas and beliefs if they prove to be wrong, when they cannot resist her opponents' argumentative confrontation. In this sense, since citizens are required to present the best convictions they can reach, they should not only reason carefully and deeply about what they think concerning political issues, but they also should present their reasoned convictions to their fellow citizens in order to test and correct them if they are wrong. In this sense, the principle of deliberative respect requires individuals not to enforce unjustified coercion and, in turn, both to reason deeply about one's own convictions in order to provide the best grounded argument for them and to offer her beliefs for public scrutiny¹⁸¹.

The argument can be summarized in this way:

Pr. (1): citizens may have different convictions concerning a wide-range of issues and they may genuinely disagree about them.

Pr. (2): as members of a society, citizens can affect and constrain their fellows' life by choosing and making political decisions.

Pr. (3): individuals care about their freedom's restrictions and tend to oppose coercion as a limitation of their agency.

Therefore,

(4) Forms of coercion that are not justified should not be allowed because they are wrong.

(5) Each member of the society has a prima facie moral duty not to coerce others, unless it is morally appropriate, given the circumstances.

(6) To understand whether coercion is morally appropriate, citizens should strive to arrive at correct judgments, and thus to reach the highest possible degree of confidence in their claims.

(7) To evaluate the correctness of their claims, citizens should engage in discussion with their fellows. They should not only present in full details their positions, but also be prone to subject their ideas to their fellows' scrutiny and to change their commitments when given sufficient reason to do so.

¹⁸¹ My understanding of deliberative respect is somehow similar to David Archard's idea that the duty of civility should be intended in its minimal specifications, meaning that citizens should be required to give others reasons for their political actions which can be in principle be recognized as theirs (2001, 215-218). However, my characterization differs from Archard's idea of civic virtue when it comes to honesty and sincerity. I tackle this point more specifically in the next section.

The argument I propose for political deliberation rests on three rather uncontroversial premises shared also by all public justification theorists. However, I hold that the conclusion that should be drawn from those premises has nothing to do with public justification because it does not prescribe any sort of restraint, or bracketing of reasons, provided that citizens present justifications for their proposals. Conceptualizing respect in these terms permits to overcome public justification's excluding effect with regard to individuals, such as Jill and Bill, who take their fellow citizens' convictions and cares seriously even if they support their preferred policies and norms on the basis of non-public reasons. However, at the same time, it forbids individuals to impose their views on others and to act in an authoritarian manner, drawing from preconceptions and unreasoned ideas. Deliberative respect says that is morally objectionable for individuals to assume the attitude of teaching others moral truth. On the contrary, it requires them to engage in discussions, to confront ideas, and to be willing to learn from others in exposing their ideas to public scrutiny and challenges.

Although my argument relies heavily on Eberle's idea of *conscientious engagement*, deliberative respect radically differs from it in not prescribing citizens to attempt to provide a public justification for their preferred policies and norms before resorting to non-public reasons. Eberle holds that since coercion in general causes distress, one ought to do what she can to mitigate it. Distress can be mitigated not only by communicating one's reasons for supporting particular coercive laws, but also by attempting to provide a rationale that others can find convincing. According to Eberle, there is a *prima facie* obligation to avoid treating others in ways they are adverse, and thus to avoid his fellow citizens to stress. Since a citizen who supports a coercive law can reduce the stress caused by such a support by trying to convince others, respect requires pursuing public justification: "a citizen who respects his compatriots should attempt to provide them with reasons they find convincing" (Eberle 2002, 99). This proposal is somehow similar to the possibility of reasoning by conjecture, which is the process by which one can show that some comprehensive doctrines have the resources in themselves to affirm a political conception of justice (Rawls 1997, 783; Schwartzman 2012). Eberle's idea is analogous, but reversed: citizens should attempt to provide public reasons for their preferred laws and policies because they should try

to convince their compatriots that the laws and policies conforming to their comprehensive doctrines are morally defensible also from the point of view of others. Only if public justification fails, citizens can advance non-public reasons in political deliberation. Eberle provides three notes to this conclusion. First, the idea that one ought to pursue public justification is free from commitment to any particular form of public justification. Second, the requirement for public justification does not obligate citizens to present a single argument, but a number of widely convincing arguments among which each citizen can find at least one that fits with her own distinctive point of view. Third, citizens are not required to find the reasons they offer for public justification convincing: if a citizen's "goal is to ameliorate the distress he causes to his compatriots as a consequence of his support for coercive laws they find objectionable [...] he can do this by articulating a rational *they* find convincing" (Eberle 2002, 101).

The question here at stake is whether respect actually demands public justification, or more generally whether respect requires citizens to attempt to convince their fellow citizens when deliberating about what policies and norms to enforce. Eberle's argument for public justification is grounded in the idea that the distress caused by coercion should always be reduced as much as possible. But it seems that respect needs to be concerned only with the justification of coercion: if Jill provides her fellow citizens with what is the most convincing reason according to her for a certain law L, engages in long discussions about her position and seriously considers her opponent's proposal, but refuses to present reasons that are convincing to others and wrong for her, is she disrespectful? I cannot see how she could be. As long as she takes her fellow citizens and their commitments seriously by proposing well-grounded reasons and is ready to change them if they prove to be wrong, Jill is respectful. Of course, this does not mean that citizens should not try to convince others, or should not try to articulate rationales apt to persuade others to support their preferred laws and policies. Rather, the point is that respect does not commend to attempt persuasion. Of course, if citizens propose reasons apt to convince their fellow citizens the chances for their preferred laws to pass are higher and therefore it would be irrational, or simply odd not to do it. However, I retain that citizens, who are not willing to persuade others by presenting reasons they do not find convincing and stick to their personal¹⁸² though

¹⁸² "Personal" as in the sense specified in the last chapter.

unpopular reasons, are not morally objectionable or disrespectful. “To treat an individual as person rather than object is to offer him an explanation. [...] I would suggest [...] that we show others respect when we offer them, as explanation, what we take to be our true and best reasons for acting as we do” (Galston 1991, 109).

As stated above, my conception of respect is rather thin and it might be objected that it is too vulnerable to the problem of disharmony in society. Since deliberative respect does not require citizens to find an agreement or to find reasons that are convincing for all (though it does not prohibit it), it may leave too much space to instability. To rebut this objection, consider the distinction between *acquiescence* and *consensus*. In the case of political deliberation, the latter is a condition of agreement on a certain law or norm, by which each one affirms it; whereas the former is a condition in which even if an agreement is not reached and many individuals regard the law morally objectionable, they still obey and comply with it. “When we find ourselves dissenting from others, we may dislike their opinions and disapprove of their actions [...] but we can [...] manage to come to terms. [...] What matters for social harmony is not that we agree with one another, but that each of us acquiesces in what the other is doing” (Rescher 1993b, 164). The point is that although consensus might be desirable, it is not necessary for a society to achieve it on each and every law and policy it needs to enforce. Consensus is not indispensable for a society not to collapse because acquiescence in most cases may well be enough: “the crucial fact about acquiescence is that it is generally rooted not in agreement with others but rather in a preparedness to get on without it” (Rescher 1993b, 166). In this sense, the principle of deliberative respect is particularly important for acquiescence to work because only if I had the chance to expose my arguments, to reason about them, and to hear those of my fellow citizens I can accept to acquiesce to coercive laws that I regard morally inappropriate. Indeed, only if my cares and commitments are taken seriously and are weighted and discussed in deliberation, I can adjust to the circumstances. It is obvious that citizens’ willingness to acquiesce to coercive laws they do not find morally appropriate needs to be rooted in how such laws are established, namely in the recognition of citizens’ commitments and arguments. If one’s reasons are simply dismissed because they do not fit into a specific rationale, such as that of public justification, and different points of view are not taken into consideration and

evaluated in public deliberation, considering their merits and limits, acquiescence is much more difficult to achieve and last. If citizens abide by the requirements of deliberative respect, and thus advance the best reasons they can reach while listening to others' reasons and are willing to engage in argumentative confrontation about their beliefs in order to correct them when they prove to be unsatisfactory, they can acquiesce to those laws they find morally objectionable. In this way, they can also abide to such laws, even while trying to change them.

6.3 Principles of sincerity

Another important principle within the ideal of public reason defended by justificatory liberals is the one concerned with the sincerity, or good faith that citizens ought to display when they are to justify to one another their support for particular laws and policies. The issue of sincerity in public justification is first introduced by Rawls in his reformulation from an *exclusive* to an *inclusive* understanding of the ideal of public reason (Madigan 2002). Originally, on Rawls's account, only reasons drawing on shared political values could be introduced in public debates for "the ideal of public reason does hold for citizens when they engage in political advocacy in the public forum [and] it holds equally for how citizens are to vote in elections when constitutional essentials [...] are at stake" (1993, 213). Subsequently, he allows that citizens and public officials may appeal to non-public reasons in political deliberations, so long as they are prepared, in due course, to provide their fellow citizens with public reasons for the positions they support and the votes they cast (Rawls 1997, 783-786). This has been called the *wide view of public reason*. One possible objection that has been addressed to this view is that it brings dishonesty into the political domain because it allows citizens to offer public reasons even when they do not find them convincing, or are not motivated by them. Consider Bill who opposes both therapeutic and full birth cloning and supports a legislation that would outlaw such practices and research programs. He holds his beliefs about the subject matter in force of his religious beliefs but, adhering to the ideal of public reason, he refrains from advocating his view and uses a justificatory liberalism's public reason he does not find convincing instead. Therefore, he argues that the market for women's eggs that would be created by research on cloning will provide unethical incentives to undergo highly risky

treatments and surgeries. In this sense, withholding his convictions, Bill provides a public reason which is not the real source of justification for his belief. If there is something wrong with Bill adhering to the ideal of public reason and to provide a public though insincere reason, then the risk that justificatory liberalism may encourage deceitful political behaviours is concrete. To block this critique, Rawls includes in the ideal of public reason a sincerity requirement, which allows citizens to introduce their non-public convictions as long as they are willing to also offer public reasons they sincerely believe apt to justify their preferred political policies. According to this scenario, Bill can explain and express his religious rationale for opposing both therapeutic and full birth cloning, as long as he is ready to present the argument from the woman's eggs market as a public reason he sincerely believes sufficient to justify his political position.

It is clear that on Rawls's account the principle of sincerity is crucial for political liberalism and it constitutes a fundamental part of the *duty of civility* shaping the framework of normative reasoning for justice. Indeed, citizens should not only be ready to defend the public reasons supporting their preferred laws and policies *in good faith*, but also to vote according to them (Rawls 1993, 226; 1997, 784). In this way, the ideal of public reason does not admit any form of political hypocrisy. As Quong puts it, "if we acted insincerely toward other citizens [...] we would fail to respect their status as citizens who can understand and respond to moral reasons" (2011, 266). However, although establishing the necessity of the sincerity requirement¹⁸³, Rawls does not elaborate the point much further. His condition of good faith remains undeveloped and unexplained for it is obscure what it exactly prescribes and, most importantly, why citizens should conform to the principle in the first place. As it stands, Rawls's argument seems *ad hoc* and, thus, it strikes as unconvincing.

An interesting attempt to clarify the principle of sincerity within a Rawlsian framework of public justification is Micah Schwartzman's proposal of sincerity as crucial condition of public deliberation (2011). Since his principle of sincerity is presented as a direct implication of the idea of public justification, Schwartzman carefully explains how he conceptualizes it. Drawing from a consensus model of public

¹⁸³ For an argument showing that Rawls's ideal of public reason must include a requirement of sincerity, see Reidy 2000.

justification, Schwartzman defends an idea of public reasons as shared, in the sense of drawn from a common set of liberal political values, in a Rawlsian fashion. However, according to him, reasons are public not only in force of their property of being shared, but also in the mundane sense of being expressed in the public domain and thus being subjected to a strong publicity constraint. Indeed, the condition of publicity Schwartzman claims necessary for public deliberation is that of *actual publicity*, which requires citizens to *actually* know the justifications for political decisions in order to deliberate properly about them. In this sense, it is not enough for such justifications to be made only publicly available. On the contrary, citizens need to learn and know them. The reason to defend such a strong publicity conditions stems from the benefitting effects it has when it comes to deliberation: “unless justifications are made public, there can be no opportunity to examine and evaluate them. Furthermore, [...] even a modest view of the value of public deliberation suggests that it would improve the quality of political decisions” (Schwartzman 2011, 382). The idea, familiar to many deliberative democrats (Manin 1987; Cohen 1989; Bohman 1996; Martì 2006; Goodin 2008), is that actual publicity enhances political deliberation by helping citizens to better understand political problems and to gain information that may ameliorate and transform political decisions throughout the process of clarifying, checking and revising reasons and justifications.

Within this framework of political justification, Schwartzman introduces his preferred formulation of the principle of sincerity, which runs as follows:

Principle of Sincere Public Justification (SPJ): A ought to advocate proposal p if, and only if, A (i) believes that $(R1 \rightarrow p)$, and (ii) publicly asserts $R1$ as sufficient to justify p (Schwartzman 2011, 385).

SPJ has two important merits. First, it works with a minimal understanding of the concept of sincerity¹⁸⁴. On his proposal, being sincere amounts only to say what it is believed, it is a form of correspondence between what one believes and what one says she believes. Second, SPJ preserves nicely and elegantly the possibility for citizens to hold on to their non-public reasons by requiring them only to offer public reasons they

¹⁸⁴ I further develop this point in the next section, where I challenge different notions of sincerity, including the one proposed by Schwartzman.

sincerely think are sufficient to justify their preferred norms. In this way, citizens can have other convictions and believe they are the most appropriate, or the best ones to address the issue facing them, and even express such beliefs, as long as they are to provide also reasons they believe are public and with an adequate justificatory force. SPJ requires citizens neither to be open, nor to be silent to their non-public convictions and beliefs. It prescribes citizens to find reasons they believe are public and suitably strong to justify their proposals.

To defend SPJ, Schwartzman advances two distinct arguments. The first is conceptual, whereas the second is instrumental. I shall proceed by considering both of them in turn. The conceptual argument states that the principle of sincerity is directly derived from the principle of respect, which is the bedrock of public reason. According to Schwartzman, respect for citizens requires sincerity in public justification. The point, of course, is not that adhering to SPJ produces more respect among a citizenry, or that acting sincerely in public justification enhances the degree to which citizens feel respected. Rather, the idea is that SPJ is an instantiation of the principle of respect: “those who engage in political advocacy without satisfying the requirement violate the duty of civility. They fail to justify their political claims to others and so demonstrate a lack of respect for the reasonableness of their fellow citizens” (Schwartzman 2011, 386). In this sense, if one is to respect her fellow citizens at all, she ought to conform to the principle of sincerity and to present public reasons she believes to retain a sufficient justificatory force, along with other reasons she might find compelling. Respect simply triggers sincerity. The problem with the conceptual argument is that it is inconsistent with an important aspect of the wide view of public reason, which Schwartzman explicitly claims to adhere to (2012), namely the idea of *reasoning by conjecture*. This is a form of reasoning that allows citizens to resort to non-public reasons in order to show others that, despite the sets of non-public values they endorse, they can still abide to a political conception of justice¹⁸⁵. The idea is that it is sometimes acceptable to introduce non-public reasons in deliberation in order to gain some sort of convergence on a political conception of justice. Of course, reasoning from conjecture cannot be manipulative and therefore, it is required to those citizens

¹⁸⁵ In reasoning from conjecture, “we argue from what we believe, or conjecture, are other people’s basic doctrines [...] and try to show them that, despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reasons” (Rawls 1997, 786).

engaging in it to make it explicit that they do not believe the premises of the arguments they are advancing. As long as intentions are uncovered, reasoning from conjecture is morally acceptable, even though it should be considered a “second best solution, adopted only under special circumstances” (Schwartzman 2012, 532). The problem is that SPJ is in tension with the idea of reasoning from conjecture in the sense that they cannot be both implied by the principle of respect. If reasoning from conjecture is pursuable, it is not true that the principle of respect always require conforming to the principle of sincerity in public justification. The point is not that the SPJ necessarily rules out the possibility of reasoning from conjecture, or that this latter kind of public reasoning directly violates the principle of sincerity in public justification. Indeed, it might well be the case for a person to advance a public reason R she sincerely believes to retain sufficient justificatory force and, after having ascertained the failure of R in convincing all of her fellow citizens, to engage in reasoning from conjecture. In this sense, the two activities may be seen as non-exclusionary and somehow complementary in attempting to achieve a political agreement¹⁸⁶. If public justification fails, then reasoning from conjecture can be given a try. However, the problem is that if sincere public justification and reasoning from conjecture are complementary, there is a conceptual misunderstanding concerning the basis for SPJ. If not adhering to the principle of sincerity in public justification means not to respect one’s fellow citizens, reasoning from conjecture needs to be disrespectful. The point is that, as it stands, Schwartzman’s argument cannot succeed in saving both sincerity and reasoning from conjecture. There are two strategies available for him to eschew this problem and save the conceptual argument for SPJ. He can either reject the possibility of reasoning from conjecture altogether, or provide an understanding of respect apt to save both practices, and maybe also to justify the priority of sincere public justification over reasoning from conjecture. Defending reasoning from conjecture and lacking a

¹⁸⁶ Schwartzman seems to embrace this position in stating: “for reasons of feasibility, social unity and transparency, we ought to justify our collective decisions by appealing to public values that we share with others in virtue of our common citizens. But if some people hold comprehensive doctrines that seem to them to reject such values, even if only in particular cases, arguments that appeal to public values will not provide them with justifications they can accept from their own perspectives. Under these circumstances we may appeal to values drawn from their comprehensive doctrines to try to show that they are mistaken. For political liberals, this is the only remaining form of justification available, short of appealing to considerations of prudence” (Schwartzman 2012, 532-533).

more sophisticated theory of public justification and respect, Schwartzman's SPJ is left unjustified.

The second argument Schwartzman advances for the principle of sincerity in public justification is instrumental¹⁸⁷ in kind and it is directly linked with the condition of actual publicity he defends. The idea is that SPJ is justified because of the benefits it brings to deliberation. As previously shown, Schwartzman thinks that actual knowledge of the reasons presented in public justification is necessary to deliberate correctly because it permits to uncover mistakes in reasoning and to discover potentially defeating counterarguments to one's position. Thus, since deliberation, intended as a process of evaluation and verification, enhances the quality of the arguments for public justification, it allows citizens to arrive at better political decisions and increases political legitimacy in widening citizens' understanding of political reasons and outcomes. Within this conception of deliberation, Schwartzman also holds that insincere public behaviour cannot be admissible for, "without public sincerity, purported justifications are insulated from the deliberative process, and so immune to the epistemic benefits and protections it provides" (2011, 386). However, the link between sincerity and the epistemic enhancement of deliberation cannot help to be controversial for, although it seems reasonable to think that deliberation improves citizens' decisions in testing their ideas and claims, would not it be even better to have open access to all sort of reasons? Why putting a constraint on reason, admitting only sincere public ones to the political domain, should ameliorate deliberation? The point is that if what is important of deliberation is to evaluate and verify the correctness of political positions and their justifications, in order to discover possible mistakes and to boost citizens' confidence in their reasoning, then all reasons should be, in principle, admissible for all reasons could help in improving the understanding of political principles and decisions. Schwartzman's response is rather dismissive on this point for he simply states that to reject the principle of sincerity is to "ignore the significance of public deliberation" (2011, 392). However, if deliberation is crucial because of its epistemic character in improving the quality of public

¹⁸⁷ It is interesting to note that instrumental arguments for sincerity seem doomed to fail. If sincerity is only a means to achieve some good, for example social harmony or one's reputation (Audi 2000b, 111), then the difference between sincerity and insincerity becomes simply irrelevant because, from an instrumental point of view, it is not important to be sincere, but to appear and be perceived as such (Kang 2003).

deliberations and justifications, a less restrictive constraint than the one of sincerity would just work better. It might be true that allowing more reasons into the political domain may make it harder for citizens to find public reasons to agree upon, but this needs to be considered only a problem of efficiency and not of epistemology concerned with the evaluation of opinions and decisions. Indeed, even though a model of deliberation that lets more reasons into the political domain may produce more “noise”, in the sense of interferences, when it comes to making a decision with regards to a particular policy or law, it may nonetheless be better at increasing the quality of political decisions.

The discussion of Schwartzman’s instrumental argument may lead one to think that a convergence based approach to public justification may be better at securing the epistemological benefits of deliberation compared to a consensus account. But can convergence really accommodate the case for sincerity? Recall that a convergence model of public justification rejects the idea that reasons should be shared and requires only that citizens accept laws and policies for their individual reasons instead. “If A has a reason R_a that makes the [law] reasonable for him, and B has a reason R_b that makes the [law] reasonable for her, then the justification [...] is based on convergence [...] from separate points of view” (D’Agostino 1996, 30). If within a consensus accounts laws and policies are to be accepted in force of reasons characterized by the property of *shareability* (Vallier 2011), defenders of convergence argue that public reasons are those that are simply *intelligible* (Gaus 2011). In this sense, public reasons are those reasons that others can recognize as belonging and consistent to one’s sound, and logically coherent, set of beliefs. On this account, when citizens deliberate, they need not to find reasons sharable by all members of the citizenry. Rather, they need to offer each other reasons consistent with their respective sets of beliefs and deep convictions.

At a first glance it might well seem that a convergence model of public justification is perfectly suited to settle the problem of sincerity in deliberation: if the only constraint set on public reasons is that of intelligibility, a citizen can provide others with reasons she does not believe in, as long as these are consistent with their systems of beliefs, while holding on to her convictions. Indeed, one can explain her point of view and, at the same time, offer reasons that are incompatible to it and suited for the

points of view of others. Within convergence, there is no dishonesty in advancing reasons that are not correct from the point of view of the proponent in order to convince others to agree on a particular political decision. Against those theorists arguing that it is illusory to think that public reasons can be genuine because they would result only as a distortion of personal convictions (Greenwalt 1988), convergence theorists can reply that citizens need not to invent strategies to conform their beliefs and values to those of others. Citizens can be honest about their set of beliefs and sincerely provide others with different reasons compatible with their points of view. Moreover, in contrast with those arguments stating that public justification, in involving a tendency toward obfuscation and duplicity, is an invite to misrepresent and mislead others about what one really believes (Murphy 1998), convergence theorists can respond that citizens are not required to deceive or misrepresent their convictions for public justification means to hold on to one's belief and to offer reasons acceptable from the others' points of view.

Although it is correct that convergence theories of public justification can rebut some of the classical tilts of sincerity, it is not clear whether they can admit of sincerity at all. The problem lies in the actual possibility of being sincere in believing a fellow citizen justified when one does not share her set of beliefs and considers it wrong¹⁸⁸. Consider a situation in which Bill and Jill try to converge on the issue of capital punishment. Jill does not believe in God and thinks that religion, in general, is a form of superstition. She wants to outlaw capital punishment because it not only does not seem to deter people from committing crimes, but it also leads to a brutalisation of society. On a convergence model, for the sake of reaching an agreement, Jill can try to persuade Bill who, on the contrary, is a firm Christian by appealing to reasons she sees as faulty and wrong. For example, she can tell him that since only God should create and destroy life, capital punishment needs to be considered inconsistent with a religious life and, therefore, he should converge with her on this issue. The problem is that even though Bill may well be ready to accept the reasons advanced by Jill, it seems difficult to think that she can sincerely believe Bill justified in agreeing with her. The point is that not sharing Bill's religious commitment, she cannot envisage his

¹⁸⁸ Quong has put forward a similar argument in defending his Rawlsian account against convergence theories (2011, 265-268). I have not considered here his principle of sincerity for Quong does not really make it the case for such a principle, which is simply laid out from Rawls's conception instead.

reasons for outlawing capital punishment as having the same normative force and the same normative relevance as hers. Therefore, she cannot help to assume a sort of opportunistic and insincere attitude in advancing reasons she does not believe in and cannot consider right. Of course, the same can be said for Bill. From the point of view of a religious person, the efficacy of deterrence is not an important criterion to judge upon capital punishment for what is really at stake in this matter is how we can dispose of life and whether life *per se* should be considered an absolute value. If he is to offer Jill reasons to converge, he needs to resort to considerations he cannot help to find irrelevant with regards to the issue at hand. In this sense, Bill cannot sincerely believe Jill justified in opposing capital punishment, but only be delighted to have reached an agreement on the issue. Finally, it is important to note that it does not suffice to say that even though Jill and Bill do not share the same reasons they can nevertheless recognize the legitimacy of the other's point of view. It is possible to think that although Jill does not share Bill's religious standpoint, she can recognize that, if she was Bill, she would believe in the same kind of religious reasons that he holds on to. The problem with this modification of the situation lies in the fact that, even though Jill can understand how it might be like to be Bill and put herself in Bill's shoes, as long as she is Jill she cannot help to consider Bill's point of view faulty. Despite the fact that she can understand and respect Bill's commitment to Christianity, she still believes that religion is a form of superstition and thus cannot sincerely think Bill justified¹⁸⁹.

A convergence theorist may rebut this objection by endorsing some version of moral relativism, and indeed it should be noted that Gaus's theory, at least in its first formulation, is built on a moderate form of relativism about reasons and rational justification (1996, 30-44; Chapter 2 of this work). I have provided some grounds in the previous chapters to think that a relativist perspective should be rejected because not only it discards the significance of disagreement, but it also makes deliberation irrelevant by reducing it to a form of checking for agreements on determinate issues. Since I discuss these issues at length in the second and fourth chapters of this work, I shall not say more here. However, it is important to highlight that the relativist strategy has also a problem of practice when it comes to sincere convergence: even if

¹⁸⁹ Of course, the same argument works in the exact same way for Bill.

relativism was true, it is not possible to expect all people to endorse it. Accepting a relativist framework of understanding is not only controversial at the philosophical level, but also incredibly demanding of citizens for it would require them to consider the status of their beliefs the same as that of others. Relativism would require individuals to consider the beliefs of others as no truer than theirs, without stopping to believe in them and this seems both unreasonable and unfeasible. “Whatever theory of epistemic justification the convergence model deploys, it will be one that we cannot reasonably expect all free and equal citizens to accept” (Quong 2011, 272). The point is that since one of Gaus’s main concerns is to deliver a *realistic* theory of public reason apt to take seriously the urgency of moral reform (2011, 262, 443-447), it is necessary for his account not to be too demanding with regards to what citizens believe. However, it is not realistic to expect citizens to accept moral relativism, which is a controversial philosophical position, and, thus, to put their own convictions on an equal footing with those of others. Since citizens embrace an engaged point of view when deliberate about what laws and policies to implement in their societies, it seems difficult to imagine them at ease with moral relativism.

6.4 What’s sincerity got to do with it?

In the previous section, I tried to show that, although they use it to block some important critiques, it is problematic for public justification theorists to defend a principle of sincerity in political deliberation. However, it seems that such critiques target specifically theories of public justification for if citizens need not to conform to the standard of public reason, sincerity may well just be a normal condition of deliberation. Without the requirements of public justification and no bracketing strategy in order, citizens can advance reasons they sincerely believe in, provided that they conform to the principle of deliberative respect. Indeed, without the need to be subjected to the demands of public justification, citizens can support the norms and policies they prefer without the need to resort to reasons that may conflict with their deep convictions and commitments. From the perspective of political justification from the first-person standpoint, as the one I defended in the previous chapter, it is natural to engage sincerely in deliberation, to express one’s convictions after subjecting them to the rational process of evaluation. The point then is to understand whether such a

possibility makes it morally necessary for individuals to be sincere when engaged in deliberation. So, the question I shall consider is whether a principle of sincerity is needed at all: is it the case that citizens ought to be sincere when deliberating about normative matters? Is sincerity deliberatively relevant?

It is a common place for political theorists to think that sincerity is important for political deliberation. Habermas, for example, conceives sincerity as a fundamental validity claim for a form of rational communication apt to enable individuals to reach shared social and political understandings (Habermas 1984; 1966). Others insist on the practical benefits that sincere behaviour brings to deliberation by promoting “free discussion and open debate [that] allow relevant information to be distributed, mistaken reasoning to be exposed, and all the reasons for and against laws to be debated and considered” (Freeman 2000, 383). A sincere attitude is said also to express respect among citizens in the form of “equal membership of all in the sovereign political body” (Cohen 1997, 416) and to sustain the value of civic friendship (Rawls 1997). Moreover, sincerity is seen as an antidote to rhetoric and manipulation (Quong 2011, 265). Finally, sincerity is considered a fundamental means to secure relations of trust among citizens and to generate *shared commitments* (Goodin 2008, 263). Indeed, it seems reasonable to think that sincerity needs to play an important role in political discussions for the presence of liars and obfuscators seems not to be desirable when it comes to deliberation, given that it contributes to one’s confidence in her beliefs. However, it is necessary to recognize that the concept of sincerity is not an uncontroversial one. Indeed, it is particularly elusive and philosophical efforts to reach a consensus about its nature and why it matters to us are not so great. Although it is considered an important presupposition of the practice of linguistic communication (Schiffer 1972; Williams 2002) and a crucial aspect not only within the theory of speech acts, for which it represents a paradigm condition for their *felicity* (Austin 1962; Searle 1969), but also in contemporary debates about the epistemology of testimony (Fricker 1994; Follis 2010), there is not shared understanding of what sincerity actually is. One interesting attempt to tackle the problem relies on the idea that philosophical analysis of sincerity can be divided into two types: the first one envisages sincerity as a property which can be attributed only to communicative or quasi-communicative actions, whereas the second considers sincerity an intrapersonal

concern only, essentially connected with one's inner knowledge and understanding of herself and her states of mind (Walker 1978). The former holds an idea of sincerity as an opposition to deception among individuals, it is strictly connected with the idea of truthfulness, and it concerns some sort of correspondence between what one person has in mind (let them be beliefs, emotional states, attitudes, and the like) and his utterances or actions in general. The latter, on the other hand, is a view supporting the idea that sincerity has to do with one's inner experiences and in particular with one's states of mind and what she takes those states of mind to be. Of course, this second proposal drifts towards an idea of sincerity as authenticity¹⁹⁰. Unfortunately, both understandings are problematic for the purpose of deliberation. In what follows, I shall consider both proposals, starting from the latter and then proceeding with the former, and raise some scepticism about the employment of the concept of sincerity for political philosophy.

As stated above, understanding sincerity in terms of authenticity of some sort means to link it with the inner mental states of individuals. As Stuart Hampshire argues in considering the example of a person questioning the sincerity of her feeling of regret, sincerity is a matter of undividedness or singleness of mind. "I may question whether I do entirely regret the action, whether this is really my thought about it; and for the world 'entirely' here, 'sincerely' could be substituted [...] claiming entirety of mind [as] the absence of contrary thoughts" (Hampshire 1972, 245) In this context, sincerity amounts to believing something completely and unequivocally,

¹⁹⁰ The idea of authenticity is important in the history of political philosophy and the obvious place to look for a discussion of it is Rousseau's work. Indeed, Rousseau not only understood the ideal of sincerity as an end in itself, exemplified by his need to disclose his own autobiography and to expose his feelings and sentiments, but was also obsessed with insincerity and the need to condemning hypocrisy, which he thought was not natural or universal, but determined by the costumes of corrupting modern societies (Rousseau 1964, 156, 180, 194). In this sense, hypocrisy is seen as a terrible vice to blame, whereas sincerity is to praise for, according to Rousseau, the good consists in being oneself regardless of what one may be. In this sense, Rousseau's idea of authenticity can be considered a form of integrity (Grant 1997). Notably, Rousseau's thought had a great impact on the history of the French Revolution (Blum 1986; Lauritsen and Thorub 2011) and in particular his conception of sincerity and the reproach with regards to hypocrisy has been coupled with Robespierre and the Jacobins' conducts during the Terror. In *On Revolution*, Hanna Arendt shows Rousseau's influence on Robespierre's thought and action by highlighting the revolutionaries' idea that the general will of the people was to guide the state and, therefore, that those individual wills that were not conformed to the general will were suspect because they were not pure and hypocritical (1977, 76-100). Arendt envisages in Rousseau's theory and Robespierre's practice a cult of the natural, authentic man that calls for a politics of unmasking. (On this point see also Villa 1999, 128-154). As Judith Shklar notes, the problem with such a politic of authenticity lie not only with the fact that charges of hypocrisy quickly turn into counter-accusations of the same sort, but also with the idea that "to put hypocrisy first entangles us [...] in too much moral cruelty, exposes us too easily to misanthropy and unbalances our politics" (1984, 86).

wholeheartedly. Sincerity is a condition concerning one's states of mind and how those are held; it regards how genuinely a person's mental states are. The problem with this view, which without a doubt captures some interesting insights about the notion of sincerity, lies in the fact that *repressed* and *unacknowledged* thoughts and sentiments may threaten one's singleness of mind by conflicting with her conscious dispositions (Hampshire 1972, 245-246). Since one cannot be sure that she is sincere about her states of mind unless she uncovers all her hidden contrary feelings or confusions about it, sincerity turns out to be impossible. Indeed, complete self-knowledge is the only condition apt to settle inner conflicts about one's feelings, but since it is a rather unachievable ideal, one's sincerity needs to be always doubtful. Individuals can never be sincere (or know that they are) because they cannot be completely aware of all their mental states and sentiments. The ideal of sincerity as singleness of mind demands the avoidance of confusion or inconsistency among one's states of mind, but since individuals cannot be certain about their mental lives (especially when it comes to subconscious thoughts), sincerity ends up being a useless concept for normative evaluation. If sincerity is important because of the benefits it secures among individuals, a notion that does not permit to ascertain even one's own thoughts is of no relevance for deliberation.

The second understanding of sincerity under consideration focuses on the correspondence between one's beliefs or mental states and her utterances or actions more generally, and it may seem a more promising candidate for deliberation. Since what matters here is not to provide the most plausible account of the concept of sincerity all things considered, but one suited for the practical purposes of political deliberation, a notion directly linked with one's action may seem more appropriate. Sincerity as truthfulness, in conceptualizing sincerity as a property of statements and utterances (which need to conform to what the speaker's has in mind), focuses on the *intentional* character of the speaker. If Bill says that p is true, the statement is sincere only if Bill believes that p is true. In this sense, sincerity is presented as opposed to deception for if Bill says that p is true without believing that p is true, he is blameworthy for being insincere¹⁹¹. Although it might seem that this second account

¹⁹¹ It is important to highlight that, on this account, a person who says something that she does not believe with any intention to misrepresent her thoughts, but due to a personal incapacity cannot be accused of speaking insincerely. The point is that as long as one has no intention to deceive others about

of sincerity may help preventing certain manipulatory behaviours and to sustain trust and civic friendship among citizens, it cannot help to be highly controversial too. Indeed, it is necessary to note that sincerity is a slippery concept for even on this account, although it does not seek authenticity, sincerity is nevertheless linked with individuals' intentions, which are part of their inner lives. In this sense, to focus on the intentions with which sentences are uttered is to focus on individuals' mental states and genuine dispositions. In the end, sincerity as truthfulness is not so different from sincerity as authenticity. They both rely on the mental states of individuals and their dispositions towards what they believe and say. Sincerity as truthfulness turns out to be as irrelevant for practical purposes as sincerity as authenticity: since it is impossible to check the sincerity of others, for we cannot see into their hearts and minds, sincerity is truly unknowable. Thus, what practical difference may it play in political deliberations? Since it is impossible to accuse one to be insincere for her intentions are hidden to others, a principle of sincerity as truthfulness for political deliberation fails at building relations of trust and civic friendship among citizens. Since one cannot be sure about the states of mind of others, sincerity is useless in relational terms.

In general, it is possible to think that there is a problem with how the concept of sincerity and its employment may affect the life of democratic societies and the relations among their citizens. The problem is not that of reassuring political scientists that deliberations are about the merits of actual arguments and not about intentions, which are difficult to test empirically (Thompson 2008, 504). Rather, the point is that sincerity may be in tension with democratic deliberation altogether. Exposing what one really thinks and feels may be problematic and a possible impediment to the exchange of opinions and discussions among citizens in bringing to light possible sincere, but unproductive and crude opinions. Indeed, it is a common place for liberals to think that exposure and frankness are not necessary requirements of collective life, that conventions of politeness are fundamental for a smoothly functioning democracy (Nagel 1998; Rosenblum 1998; Buss 1999) and, finally, that hypocrisy should be praised as a bolster for liberal democratic societies (Shklar 1984; Morkowits 2009). From a liberal perspective, intended simply as a political and theoretical standpoint whose primary aim is to secure the boundaries of the private sphere to protect

what she believes, she needs to be considered sincere. See, Schwartzman 2002, 383.

individual freedom from arbitrary, unexpected, unnecessary and unlicensed acts of force and the fear of them (Walzer 1984; Shklar 1989; Williams 2005), the possibility of some form of concealment concerning one's private thoughts and ideas is fundamental.

6.5 The principle of reliability in deliberation

If my arguments concerning the problems of the principle of sincerity are sound, those normative requirements invoking it should be rejected. However, it is undeniable that manipulation in deliberation is undesirable because it constitutes a problem for the relation of trust among citizens and the possibility of deliberation itself. If citizens knew others were to deceive and manipulate them, it would be reasonable for them to refrain from discussion: what would be point of confronting and discussing their arguments with individuals who were not honest about them? In the end, what seems wrong and to constitute an impediment to deliberation is the thought that others are to cheat on us. So, the point is to understand whether it is possible to find a principle apt to achieve the same deliverances of the principle of sincerity without relying on such a controversial notion. In what follows, I argue that a principle of reliability in deliberation may just do that. Accordingly, individuals do not need to show what they actually think, to explicate their thoughts. Rather, they need to be persons it is possible to count on in order to make deliberation possible. This vague understanding of the concept of reliability is precisely what I attempt to clarify and explicate in the following paragraphs.

Reliability is not such a fortunate concept in moral and political philosophy for it has not received much attention and there is no systematic study of it within the normative domain. Although reliability is a central notion in epistemological debates concerning the processes of beliefs' forming (Unger 1968; Nozick 1981; Goldman 1986; Plantinga 1993) and in theories of virtue epistemology (Greco 1999; Sosa 2007), it has not scored the same success either as a trait of person or as a moral characteristic. Bernard Williams's idea of *accuracy* may somehow resemble that of reliability in his attempt to capture the idea of a strive towards the truth and a care about one's beliefs formation. However, in considering it a complement of *sincerity* within his broad idea of *truthfulness*, Williams's understanding of accuracy play only an epistemological role

in how individuals are to discuss their opinions and ideas (Williams 2002; 2005). On the contrary, my idea of reliability is not concerned with our epistemic capacities only, but also with attitudes individuals display. In this sense, having the character of being reliable means to be someone we can count on both at the practical and the theoretical level. On this point, I follow Robert Audi and his idea of reliability as a virtue (2008). Here, I start from his general account of *global reliability* in order to clarify what reliability as a general characteristic of person is. From such general notion, I draw a principle of reliability suited for political deliberation.

As reliable epistemological methods are those we can count on to acquire knowledge, so a reliable person is a person we can count on, in the sense that it is reasonable for one to count on that person. A reliable person is generally one displaying three main characteristics: stability in character; predictability of behaviour; a general tendency not to repeatedly get things wrong. Since that of reliability is a notion that admits of degrees, meaning that a person can become more reliable or less reliable, some sort of stability in one's capacities and judgment is necessary. This of course does not mean that reliable persons cannot change without losing their reliable character. In fact, it is possible to change character in ways that have no impact on reliability. If Jill, after having passed some personal traumatic experiences, becomes an overall more depressed person, this does not affect her reliability. However, stability is important because if it is Jill's clarity of mind and expression to change instead of her general attitude towards life and the world, then she is to be considered less reliable than she used to be. Of course, stability is not the only characteristic necessary for reliability for one can be perfectly stable in being foolish and thoughtless and never change about it. Constancy is not a mark of reliability *per se*, but it is a general requirement for reliable person nevertheless.

Somehow connected with the idea of stability in character is that of predictability in behaviour. Indeed, it seems that persons whom we can count on cannot be terribly unpredictable. If Bill is a reliable friend of Jill, it seems necessary for him to be predictable in his way of listening to her when she seeks him for advice. If Jill does not know what to expect from Bill when she would like to talk to him about her problems, it would be difficult for her to express herself. It is important to note that, in order to be a reliable friend, Bill needs not to be predictable in the substance of his advices to

Jill, but only in his modes of relations. Similarly, a judge is reliable in his work in court not because he is predictable about the decisions he makes with regards to the cases he evaluates. Rather, he is a reliable judge if he is always conscientious and fair in the examination of those cases. The point is that reliability demands one to be stable in character in her methods to approach a particular situation or subject matter, and in turn this stability renders that person predictable, though her responses may well be unpredictable. To make another example, a reliable journalist is one who is stable in her capacity to look for the truth of facts without being subjected to the power of others (politicians, the editor, public opinion, and so forth). She is in this sense predictable in being careful and accurate about her source of information and pieces of evidence, though probably the results of her inquiries are unpredictable most of the times.

To be reliable, it is not enough for one to be stable in character and predictable in behaviour, for reliability requires one also not to repeatedly get things wrong. The point is that we cannot really count on someone who is systematically mistaken in the particular domain we think she is reliable. This characteristic, which cannot be made more precise because of the generality of the account here considered, has to do with the fact that reliable people need to be, at least in many cases, correct. Indeed, it seems that if a medical doctor was mistaken in most of her diagnosis, no one would ask her for help and medical advice for it would be pointless to put one's health in the hands of someone who is probably mistaken. It is important to stress that the characteristic of getting things right most of the times does not mean that, in order to be reliable, individuals need only to know the correct answers or to have the correct responses to certain subject matters. Although it might be possible to say that a thermometer is reliable in force of its accuracy in temperature measurement, when reliability is considered a trait of character there is a difference. Since a person is reliable because of the reasons she has and the way she defends them, reliability is connected with the thinking existence of individuals and how their judgments are grounded. In this sense, reliability requires competence, but it does not reduce to competence: in order to be reliable about a certain matter, one needs to have the capacity to give reasons, answers questions, and to interact with others about the matter at hand. If a medical doctor was always correct in her diagnoses, but was

unable to discuss her thoughts, to present her medical hypothesis, and her reasoning about the origins and treatments of illnesses to her patients, she would be considered unreliable as a medical doctor. Similarly, if the captain of a ship was impeccable at finding the best route for the ship's journey, in consideration of weather and sea forecasts and the carried load, but was unable to express and show the ship's crew that such route is indeed the best one, she would not be considered a reliable captain.

Given that the one proposed above is a general understanding of reliability and that reliability can be considered a sectorial term, in the sense that it may regard different domains (one can be reliable with respect to friendship and not arithmetic, for example), what is of interest for this work is what I shall call *deliberative reliability*. Since deliberation in general, and political deliberation in particular, are collective enterprises in which individuals exchange ideas and confront each other in order to deal and find solutions to their disagreements, it is important for them to be able to count on each other. Reliable deliberators need to be stable in their capacity for judgment, meaning that they need to be careful in their reasoning, providing the best justification they can for their claims. Stability in deliberation means to respect the second-order normative criterion of attempting to reach the best explanation for one's own ideas. In order to be reliable, deliberators need not only to be stable about the justification of their claims, but they also need to be predictable in their relations with their interlocutors. Of course, this does not imply that deliberators need to be predictable about the content of their ideas or the substance of their convictions. Rather, they need to display certain attitudes towards the modes in which discussions are to take place. Bill cannot consider Jill a reliable deliberator if he does not know how she will react to the fact that he disagrees with her, whether she will listen to his reasons or decide not to take his arguments in consideration. If Jill is unpredictable in the sense that Bill does not know whether she will discuss his arguments or punch him in the face when stuck in a disagreement, Jill cannot be considered reliable. Finally, reliable deliberators need to be correct. Being correct in deliberation means basically two things: first, it means not to defend ideas which are in sharp contrast with the general understanding of the world; second, it means not to lie, that is not to rely on evidence, which one knows it is not true. When it comes to political deliberation, this means that, in order to be reliable, citizens need not to argue for normative positions

that are in contrast with basic normative understanding. For example, a person who repeatedly argues for the rightness of torturing innocents, that some persons should be denied the right to a fair trial, or that children should not be taught how to read cannot be considered reliable. At the same time, political deliberators need to be honest in their proposals in the sense that the reasons they provide for their preferred policies and laws need not to rely on evidence they know it is wrong¹⁹². For example, Jill is unreliable as a political deliberator if she proposes a tax reduction policy supposedly based on sociological findings showing that such a reduction would not impact on the welfare system of her country, provided that she knows that those sociological findings are untrue. Similarly, Bill cannot be considered reliable if he supports a policy for the criminalization of abortion based on the reason that it is dangerous for woman's health and he knows that it is not the case. Jill and Bill are both liars about the reasons they propose and therefore cannot be considered reliable.

It is important to note that there is a sharp difference between lying and being insincere. Insincerity represents one's deliberate intention to mislead others and, in turn, to let them hold wrong impressions about her true dispositions concerning her reasons, whereas lying involves purposely misrepresenting the factual content of those very reasons. To appreciate the normative relevance of the difference, consider the legislature on advertisement. In most Western countries, the law is permissive towards those insincere advertisers who exaggerate and overstate the good of the products they advertise. The idea is that consumers in general do not rely on those exaggerations and even though some may do, advertisers should not be considered

¹⁹² One may wonder how it should be considered one who does not know whether her reasons for her preferred policy are true. Two scenarios should be distinguished and evaluated separately to understand this point. In the first case, one advocates for a proposal providing a reason she does not know whether it is true or false because she has no evidence for it. For example, consider Bill who argues for preferential policies for women in order to provide role models to them and, thus, to encourage them to succeed without any evidence to support the fact that role models work in such a way. In the second case, on the other hand, one advocates for a proposal providing a reason she does not know whether it is true or false because there is a controversy on that particular matter, and peers disagree over it. For example, consider Jill who defends death penalty because of its deterrent effect. In her arguments, Jill relies on sociological findings supporting her view, but she acknowledges that they are controversial. I think Bill cannot be considered reliable for he has nothing to rely on to defend his preferred policy. Jill's position, on the other hand, is different because at the moment the sociological evidence does not show either that death penalty deters or that it fails to deter. Therefore, Jill, who explained her reasons and acknowledged the difficulties with the evidence, cannot be considered unreliable.

accountable for it. On the contrary, it is illegal for an advertiser to lie about the products she advertises, claiming for example that they can perform certain functions when it is not true¹⁹³.

Given the three characteristics for reliable deliberators, let us focus on the principle of deliberative reliability:

Principle of deliberative reliability (PDR): A should not advocate proposal P if (i) A has no justification for P; (ii) does not discuss her reason R in a predictable manner; (iii) knows that P is in opposition with general normative understanding and that R is not true, or based on false evidence.

In engaging in deliberation and, thus, when they advocate for their preferred proposals, PDR requires citizens to be stable in their commitment to reach the best justification they can for their claims, and to engage in deliberation after careful reasoning and judgment; to be predictable in their behaviour when they engage in deliberation, in their reactions to other people's arguments, challenges, and the possibility of disagreement. Finally, it requires them to be correct most of the times, by not advocating for ideas clearly in opposition to general normative understanding, and by not lying about the factual content of the reasons they propose. PDR does not require citizens to offer the best reason they have, or the one they find most convincing in defending those laws they want to enact, maintain, or remove. Rather, citizens need to have justification for their proposals and can offer different reasons to convince their fellow citizens to agree with them, provided that they are not based on false evidence or in opposition with general normative understandings. In this sense, deciding what appropriate reasons are most appropriate (with regards to criteria concerning not only epistemological accuracy, but also persuasiveness) is apt to citizens, as long as they satisfy the requirements of reliability.

With regards to PDR, it is worth noticing that it neither demands nor prohibits citizens to be sincere about their reasons. Indeed, they can offer those reasons they truly believe in, provided they are justified in holding them and ready to engage in respectful deliberation and, thus, to revise them if they prove to be wrong. PDR requires citizens only to be honest about the ways and criteria according to which they

¹⁹³ On this point, see Kang (2003, 147-148)

engage in deliberation and, thus, they can provide insincere reasons, even though it seems they may decide to do so only for strategic reasons. Since from the perspective of the first-person standpoint it is not necessary to conform to the standard of public justification, it seems that either it would be irrational for a citizen to propose a reason she does not believe in, or it would be in force of some strategic consideration. Indeed, PDR does not ban strategic behaviour in clearly distinguishing it from cheating. According to PDR, a person cannot advocate a proposal P by means of achieving another proposal Q if her reason R is incompatible with Q. For example, a chauvinist man who defends preferential policies for women arguing that affirmative actions are a means against women's discrimination, but in fact knows, on the basis of some sociological findings, that these kind of actions are pejorative of women's conditions because in reality they confirm negative stereotypes, is unreliable. Such behaviour needs to be considered a form of cheating and it is condemned in force of PDR. On the contrary, a person can engage in strategic behaviour by advocating a proposal P by means of achieving another proposal Q if her reason R is compatible with Q. For example, one might be in favour of same-sex marriage and think that it should be legal because homosexuals should be entitled to have their relations of affection publicly recognized, but she advocates for civil unions as a step in that direction. In this case, there is no cheating for the rationale behind the defence of gay marriage and civil unions is the same. The point is that what is at play here is an omission about the aims of defending civil unions, but this is not in contrast with PDR: as long as one is honest, strategic behaviour should be permissible.

6.6 Conclusions

In this chapter, I evaluated and discussed two important principles within the public justification theories, namely the principle of respect and the principle of sincerity. First, I attempted to break justificatory liberals' idea that respect necessarily triggers public justification by elucidating some examples of citizens who do not offer public reasons for their preferred laws and policies, but cannot be considered disrespectful nonetheless. Having argued that respect for others does not require restraint in deliberation, I defended a principle of deliberative respect, similar to Eberle's idea of *conscientious engagement* and thin in kind, as a form of recognition respect for

citizens qua citizens, in force of their sharing the same political society. Since citizens not only may have different convictions and they may genuinely disagree but, as members of a society, they can also affect and constrain their fellows' life by choosing and making political decisions, and because they care about their freedom's restrictions, citizens have a moral duty not to coerce others, unless it is morally appropriate. In this sense, respect for one's fellow citizens requires to strive to arrive at correct judgments to understand whether those political proposals they defend are morally appropriate. Finally, to evaluate the correctness of their claims, the principle of respect requires citizens to engage in discussion with their fellows and not only present in full details their positions, but also be prone to subject their ideas to others' scrutiny and to change their commitments when given sufficient reason to do so.

I then critically considered the principles of sincerity proposed by both consensus and convergence theories. In the first case, I rebutted Schwartzman's theory by rejecting both his conceptual and his instrumental arguments, contending that the principle of sincerity is in tension with the idea of reasoning by conjecture he defends and the epistemological virtues of deliberation he wants to secure. In the second case, I provided reasons to resist the idea that convergence theories of public justification are compatible with sincerity. I attempted to show that either convergence theorists accept a strong and highly controversial form of relativism, or sincere deliberation is simply impossible. Finally, I argued that sincerity is a controversial notion, which is practically irrelevant when it comes to the political domain. Indeed, in being linked with citizens' intentions and inner mental states, which they can never be sure of, sincerity ends up being unworkable.

As a substitute to the principle of sincerity, I proposed a principle of reliability apt to secure the possibility of deliberation and mutual trust among citizens by excluding the possibility of tricking others. Indeed, under the constant worry of being duped, deliberation loses its grip and meaning. What would be the point of discussing with one attempting to trick us? Cheating necessarily threatens the stability of deliberation and the principle of reliability aims precisely at excluding such threats and to ameliorate citizens' relation. Considering trust an attitude of optimism that one's goodwill and competence will extend to cover the domain of our interaction with her in a way such that she will not harm us (Jones 1996), it is clear that reliability is a

precondition for trust among deliberators and that a normative principle prescribing reliability is necessary. Indeed, distorting information and misrepresenting reality is harmful in providing others with false evidence to build judgments on. On the contrary, covering and hiding one's intentions is not necessarily harmful.

The advantages of defending a principle of reliability over one of sincerity are mainly two. On one hand, this move allows to block the possible negative effects that the employment of such a controversial concept as that of sincerity in politics may bring about. On the other hand, the convenience is somehow one of parsimony: to achieve the same benefits with less. The point is that a principle of reliability does not rest on such a controversial concept as the one of sincerity. I am not sure whether public justification theories would be hospitable for a principle of reliability and would go for the swap I suggest. My doubts concern the fact that accounts relying on the distinction between public and non-public reasons always run the risk of asking individuals to conform to a too high standard in demanding them to silence their convictions. The problem is that, on those accounts, I suspect that being reliable would simply turn into providing public reasons. I do not develop this point any further because, even though public justification theorists may in the end be able to reject the principle of sincerity and endorse the principle of reliability I propose, in this whole work I provide other reasons to think their theories are wrong. Indeed, my rejection of public justification does not rest on the problem of sincerity, but on that of disagreement. Therefore, I contend that such theories should be rejected even if they could solve the problems I pointed out about sincerity. Moreover, since I am not sympathetic to their approach, the burden of showing that public justification is compatible and would benefit from the principle of reliability is up to those theorists working within such a conceptual framework and not me.

References

- Archard, D. (2001) "Political Disagreement, Legitimacy, and Civility", *Philosophical Explorations*, 4(3), pp. 207-222.
- Arendt, H. (1977) *On Revolution*, New York: Penguin.
- Audi, R. (1993) "The Place of Religious Argument in a Free and Democratic Society", *San Diego Law Review*, 30(677), pp. 677-702.
- Audi, R. (2000) *Religious commitment and secular reason*, New York: Cambridge University Press.
- Audi, R. (2008a) "Rational Disagreement as a Challenge to Practical Ethics and Moral Theory", in ed. by Q. Smith, *Epistemology: New Essays*, Oxford: Oxford University Press, p. 226-246.
- Audi, R. (2008b) "Reliability as a Virtue", *Philosophical Studies*, 142(1), pp. 43-54.
- Austin, J. L. (1962) *How to do things with words*, ed. by J. O. Urmson and M. Sbisà, Cambridge: Harvard University Press.
- Ayer, A. (1946) *Language, Truth, and Logic*, London: Gollancz.
- Bagnoli, C. (2002) "Moral Constructivism: A Phenomenological Argument", *Topoi*, 21(1-2), pp. 125-138.
- Bagnoli, C. (2007) "Deliberare, comparare, misurare", *Ragion Pratica*, 26, pp. 65-80.
- Bagnoli, C. (2011) "Constructivism in Metaethics", *The Stanford Encyclopedia of Philosophy (Winter 2011 Edition)*, ed. by E. N. Zalta:
<http://plato.stanford.edu/archives/win2011/entries/constructivism-metaethics/>.
- Bagnoli, C. (2012) "Verità e Autorità", *Spazio Filosofico*:
<http://www.spaziofilosofico.it/wp-content/uploads/2012/01/bagnoli.pdf>.
- Baier, K. (1989) "Justice and the Aims of Political Philosophy", *Ethics*, 99(4), pp. 771-790.
- Bellamy R. and Hollis M. (1999) "Consensus, Neutrality and Compromise", in ed. by R.

- Bellamy and M. Hollis, *Pluralism and Liberal Neutrality*, London: Frank Cass & Co.
- Benjamin, M. (1990) *Splitting the Difference: Compromise and Integrity in Ethics and Politics*, Lawrence: Kansas University Press.
- Benn, S. I. (1984) "Privacy, freedom and respect for persons" in ed. by F. D. Schoeman, *Philosophical Dimension of Privacy: An Anthology*, Cambridge: Cambridge University Press.
- Berlin, I. (1998) "Does Political Theory Still Exist?" in ed. by H. Hardy and R. Hausheer, *The Proper Study of Mankind An Anthology of Essays*, London: Pimliko.
- Bird, C. (1996) "Mutual Respect and Neutral Justification", *Ethics*, 107(1), pp. 62-96.
- Blackburn S. (1984) *Spreading the Word: Groundings in the Philosophy of Language*, Oxford: Clarendon Press.
- Blackburn, S. (1993) *Essays in Quasi-Realism*, Oxford: Oxford University Press.
- Blackburn, S. (1998) *Ruling Passions: A Theory of Practical Reasoning*, Oxford: Oxford University Press.
- Blackburn, S. (1999) "Is objective moral justification possible on a quasi-realist foundation?", *Inquiry: An Interdisciplinary Journal of Philosophy*, 42(2), pp. 213-227.
- Bloomfield, P. (2009) "Archimedianism and why metaethics matters" in ed. by Russ Shafer-Landau, *Oxford Studies in Metaethics Vol. 4*, Oxford: Oxford University Press.
- Blum, C. (1986) *Rousseau and the Republic of Virtue: The Language of Politics in the French Revolution*, Ithaca: Cornell University Press.
- Bohman, J. (1996) *Public Deliberation. Pluralism, Complexity and Democracy*, Cambridge: MIT Press.
- Boran, I. (2005) "Carnap and Rawls on doing philosophy without metaphysics", *Pacific Philosophical Quarterly*, 86(4), pp. 459-479.
- Bouveresse, J. (1995) *Wittgenstein Reads Freud: The Myth of the Unconscious*, Princeton: Princeton University Press.
- Boyd, R. (1988) "How to be a moral realist" in ed. by G. Sayre-McCord *Essays on Moral Realism*, Ithaca: Cornell University Press, pp. 181-228.
- Brandom, R. (2000) *Rorty and his Critics*, Malden: Blackwell Publishers.
- Bridges, D. (1997) "Constructive mathematics", *The Stanford Encyclopedia of Philosophy*, revised in 2009, <http://plato.stanford.edu/entries/mathematics-constructive/>

- Brink, D. (1989) *Moral Realism and the Foundations of Ethics*, Cambridge: Cambridge University Press.
- Brower, B. (1994) "The Limits of Public Reason", *Journal of Philosophy*, 91(1), p. 5-26.
- Buss, S. (1999) "Appearing Respectful: The Moral Significance of Manners", *Ethics*, 109(4), pp. 795-836.
- Căbulea May, S. (2005) "Principled Compromise and the Abortion Controversy", *Philosophy and Public Affairs*, 33(4), pp. 317-248.
- Caney, S. (1999) "Liberal Legitimacy, Reasonable Disagreement and Justice" in ed. by R. Bellamy and M. Hollis, *Pluralism and Liberal Neutrality*, London: Frank Cass, pp. 19-36.
- Cavell, S. (1969) *Must We Mean What We Say?*, New York: Charles Scribner's Sons.
- Christiansen, D. (2007) "Epistemology of Disagreement: The Good News", *The Philosophical Review*, 116(2), pp. 187-217.
- Christiansen, D. (2009) "Disagreement as Evidence: The Epistemology of a Controversy", *Philosophy Compass*, 4/5, pp. 756-767.
- Cohen G. A. (2008) *Rescuing Justice and Equality*. Cambridge: Harvard University Press.
- Cohen, J. (1989) "Deliberation and Democratic Legitimacy", in ed. by A. Hamlin and P. Pettit, *The Good Polity: Normative Analysis of the State*, Oxford: Blackwell, pp. 17-34.
- Cohen, J. (1997) "Procedure and Substance in Deliberative Democracy", in ed. by J. Bohman and W. Rehg, *Deliberative Democracy Essays on Reason and Politics*, Cambridge: MIT University Press, pp. 407-438.
- Cohen-Almagor, R. (2006) "On Compromise and Coercion", *Ratio Juris*, 19(4), pp. 434-455.
- Crupi, V. (2007) "The Sink and the Murder Scene: Rise and Fall of a Causal Model for AIDS Pathogenesis", *Logic and Philosophy of Science*, 5(1), pp. 9-32.
- Cuneo, T. (2007) *The Normative Web: An Argument for Moral Realism*, Oxford: Oxford University Press.
- D'Agostino, F. (1996) *Free Public Reason Making it up as we go*, Oxford: Oxford University Press.
- Dancy, J. (1986) "Two conceptions of Moral Realism", *Proceedings of the Aristotelian Society Supplementary Volume*, 60, pp. 167-187.

- Dancy J. (1993) *Moral Reasons*, Oxford: Blackwell.
- Dancy, J. (2000) *Practical Reality*, Oxford: Oxford University Press.
- Darwall, S., Gibbard A., and Railton P. (1992) "Toward Fin de siècle Ethics: Some Trends", *The Philosophical Review*, 101(1), pp. 115-189.
- Darwall, S. (1977) "Two Kinds of Respect", *Ethics*, 88(1), pp. 36-49.
- Darwall, S. (2006) *The Second-Person Standpoint Morality, Respect and Accountability*, Cambridge: Harvard University Press.
- Diamond, C. (1991), *The Realistic Spirit*, Cambridge: MIT Press.
- Dick, D. G. (2011) *Ethics and the Possibility of Failure: Getting it right about getting it wrong*, Charleston: BiblioBazaar.
- Dietrich, E. (2011) "There Is No Progress in Philosophy", *Essays in Philosophy*, 12(2), pp. 329-344.
- Dobel, P. (1990) *Compromise and Political Action: Political Morality in Liberal and Democratic Life*, Savage: Rowan and Littlefield.
- Dworkin, R. (1990) "Foundations of Liberal Equality", in ed. by Grethe B. Peterson, *The Tanner Lectures on Human Values, Volume 11*, Salt Lake City: University of Utah Press, pp. 1-119.
- Dworkin, R. (1996) "Objectivity and Truth: You'd Better Believe it", *Philosophy and Public Affairs*, 25(2), pp. 87-139.
- Dworkin, R. (2011) *Justice for Hedgehogs*, Cambridge: Harvard University Press.
- Eberle, C. (2002) *Religious Convictions in Liberal Politics*, Cambridge: Cambridge University Press.
- Eberle, C. (2009) "Basic human worth and religious restraint", *Philosophy and Social Criticism*, 35(1-2), pp. 151-181.
- Elga, A. (2007) "Reflection and disagreement", *Noûs*, 41(3), pp. 478-502.
- Elgin, C. (2010) "Persistent Disagreement", in ed. by R. Feldman and T. A. Warfield, *Disagreement*, Oxford: Oxford University Press, pp. 53-68.
- Enoch, D. (2005) "Why Idealize?", *Ethics*, 115(4), pp. 795-787.
- Enoch, D. (2007a) "An Outline for an Argument for Robust Metanormative Realism", in ed. by R. Shafer-Landau, *Oxford Studies in Metaethics Vol. 2*, Oxford: Oxford University Press, pp. 21-50.
- Enoch, D. (2007b) "Taking Disagreement Seriously: Some Critical Comments on Jeremy

- Waldron's Law and Disagreement", *The Israel Law Review*, 39, pp. 22-35.
- Enoch, D. (2009a) "How is moral disagreement a problem for realism?", *Journal of Ethics*, 13(1), pp. 15-50.
- Enoch, D. (2009b) "Can there be a global, interesting, coherent constructivism about practical reasons?", *Philosophical Explorations*, 12(3), pp. 319-339.
- Enoch, D. (2009c) "On Estlund's *Democratic Authority*", *The Jerusalem Philosophical Quarterly*, 58, pp. 35-48.
- Enoch, D. (2011a) *Taking Morality Seriously A defence of Robust Realism*, Oxford: Oxford University Press.
- Enoch, D. (2011b) "Giving Practical Reason", *Philosophers' Imprint*, 11(4), pp. 1-22.
- Enoch, D. (2011c) "Not Just a Truthometer: Taking Oneself Seriously (but not too seriously) in Cases of Peer Disagreement", *Mind*, 119(476), pp. 953-997.
- Enoch, D. (2013), "The Disorder of Public Reason: A Critical Study of Gerald Gaus's *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*", *Ethics*, 124(1), pp. 141-176.
- Enoch, D. and Marmor, A. (forthcoming) "The Case Against Moral Luck", *Journal of Value Inquiry*.
- Estlund, D. 2008. *Democratic Authority*. Princeton: Princeton University Press.
- Fallis, D. (2010) "Lying and Deception", *Philosopher's Imprint*, 10(11), pp. 1-22.
- Feinberg, J. (1984) *Harm to Others*, New York: Oxford University Press.
- Feldman, R. (2006) "Epistemological Puzzles about disagreement", in ed. by S. Hetherington, *Epistemological Futures*, Oxford: Oxford University Press, pp. 216-236.
- Feyerabend, P. (1975) *Against Method*, London: Verso Books.
- Fitzpatrick, William J. (2005) "The practical Turn in Ethical Theory: Korsgaard's Constructivism, Realism and the Nature of Normativity", *Ethics*, 115(4), pp. 651-691.
- Fitzpatrick, William J. (2008) "Robust Ethical Realism, Non-Naturalism and Normativity" in ed. by R. Shafer-Landau, *Oxford Studies in Metaethics Vol. 3*, Oxford: Oxford University Press.
- Flikschuh, K. (2000) *Kant and modern political philosophy*, Cambridge: Cambridge University Press.
- Foley, R. (2001) *Intellectual Trust in Oneself and Others*, Cambridge: Cambridge

University Press.

- Frances, B. (2010) "The Reflective Epistemic Renegade". *Philosophy and Phenomenological Research*, 81(2), pp. 419-463.
- Francis, J. (2008) *Philosophy of Mathematics*, New Delhi: Global Vision Publishing House.
- Freeman, S. (2000) "Deliberative Democracy: A sympathetic Comment", *Philosophy and Public Affairs*, 29(4), pp. 371-418.
- Freeman, S. (2007) *Rawls*, New York: Routledge.
- Freyenhagen, F. (2011) "Taking reasonable disagreement seriously: an internal critique of political liberalism", *Politics Philosophy Economics*, 10(3), pp. 323-342.
- Fricke, E. (1994) "Against Gullibility" in ed. by B. K. Matilal and A. Chacrabarti, *Knowing from Words*, Dordrecht: Kluwer, pp. 125-161.
- Galston, W. (1991) *Liberal Purposes Goods, virtues, and diversity in the liberal state*, Cambridge: Cambridge University Press.
- Gaus, G. (1996) *Justificatory Liberalism An Essay on Epistemology and Political Theory*, Oxford: Oxford University Press.
- Gaus, G. and Vallier, K. (2009) "The roles of religious conviction in a justified polity The implications of convergence, asymmetry and political institutions", *Philosophy & Social Criticism*, 35(1-2), pp. 51-76.
- Gaus, G. (2011) *The Order of Public Reason A Theory of Freedom and Morality in a Diverse and Bounded World*, Cambridge: Cambridge University Press.
- Gert, B. (2005) *Morality: Its Nature and Justification*, Oxford: Oxford University Press.
- Gibbard, A. (1990) *Wise Choice Apt Feelings*, Cambridge: Cambridge University Press.
- Gill, M. (2008) "Variability and moral phenomenology", *Phenomenology and the cognitive sciences*, 7(1), pp. 99-113.
- Goldman, A. (1986) *Epistemology and Cognition*, Cambridge: Harvard University Press.
- Goldman, A. (2010) "Epistemic Relativism and Reasonable Disagreement" in ed. by R. Feldman and T. A. Warfield, *Disagreement*, Oxford: Oxford University Press, pp. 187-215.
- Goodin, R. E. (2008) *Innovating Democracy*, Oxford: Oxford University Press.
- Grant, R. (1997) *Hypocrisy and Integrity: Machiavelli, Rousseau, and the Ethics of Politics*, Chicago: University of Chicago Press.

- Greco, J. (1999) "Agent Reliabilism," in ed. by J. Tomberlin, *Philosophical Perspectives 13: Epistemology*, Atascadero: Ridgeview.
- Greenawalt, K. (1988) *Religious Convictions and Political Choice*, Oxford: Oxford University Press.
- Habermas, J. (1984) *The Theory of Communicative Action Vol. 1. Reason and the Rationalization of Society*, Cambridge: Polity Press.
- Habermas, J. (1996) *Between Facts and Norms Contributions to a Discourse Theory of Law and Democracy*, Cambridge: MIT Press.
- Hampshire, S. (1972) *Freedom of Mind*, Oxford: Oxford University Press.
- Hampton, J. (1989) "Should political philosophy be done without Metaphysics?," *Ethics*, 99(4), pp. 791-814.
- Hare, R. (1952) *The Language of Morals*, Oxford: Clarendon Press.
- Hare, R. (1963) *Freedom and Reason*, Oxford: Clarendon Press.
- Harman, G. (1975) "Moral Relativism Defended", *Philosophical Review*, 84(1), pp. 3-22.
- Harman, G. (1977) *The Nature of Morality*, Oxford: Oxford University Press.
- Harman, G. (1996) "Moral Relativism" in ed. by G. Harman and J.J. Thompson, *Moral Relativism and Moral Objectivity*, Cambridge: Blackwell.
- Hayek, F. (1960) *The Constitution of Liberty*, Chicago: Chicago University Press.
- Hegel, G. W. F. (1821) *The Philosophy of Right*, ed. by T. M. Knox, Oxford: Oxford University Press, 1967.
- Holtzman, S. (1981) *Wittgenstein: to follow a rule*, London: Routledge.
- Horgan, T. and Timmons, M. (2005) "Moral Phenomenology and Moral Theory", *Philosophical Issues*, 15(1), pp. 56-77.
- Hussein, N. J. Z. and Shah, N. (2006) "Misunderstanding Metaethics: Korsgaard's rejection of realism" in ed. by R. Shafer-Landau, *Oxford Studies in Metaethics Vol. 1*, Oxford: Oxford University Press, pp. 265-294.
- Husserl, E. (1913) *Ideas: A General Introduction to Pure Phenomenology*, translated by W. R. Boyce Gibson. New York: Collier Books, 1963.
- James, W. (1997) "What pragmatism means" in ed. by Louis Menand, *Pragmatism A Reader*, New York: Vintage Books.
- Jensen, H. (1984) "Morality and Luck", *Philosophy*, 59:229, pp. 323-330.
- Jones, K. (1996) "Trust as an Affective Attitude", *Ethics*, 107(1), pp. 4-25.

- Joyce, R. (2001) *The Myth of Morality*, New York: Cambridge.
- Kaczor, C. (2010) *The Ethics of Abortion: Women's Right, Human Life, and the Question of Justice*, New York: Routledge.
- Kalderon, M. E. (2005) *Moral Fictionalism*, Oxford: Clarendon Press.
- Kang, J. M. (2003) "The case for insincerity", *Studies in Law, Politics and Society*, 29, pp. 143-164.
- Kant, I. (1785) "Groundwork of The metaphysics of morals" in ed. and translated by M. J. Gregor, *Practical Philosophy The Cambridge Edition of the works of Immanuel Kant*, Cambridge: Cambridge University Press, 1996.
- Kant, I. (1788) "Critique of Practical Reason", ed. and translated by M. J. Gregor, *Practical Philosophy The Cambridge Edition of the work of Immanuel Kant*, Cambridge: Cambridge University Press, 1996.
- Kelly, T. (2005) "The Epistemic Significance of Disagreement", in ed. by J. Hawthorne and T. Gendler, *Oxford Studies in Epistemology Vol. 1*, Oxford: Oxford University Press, pp. 167-195.
- Kelly, T. (2010) "Peer Disagreement and Higher-Order Evidence" in ed. by R. Feldman and T. Warfield, *Disagreement*, Oxford: Oxford University Press, pp. 111-174.
- King, N. L. (2012) "Disagreement: What's the problem? Or A Good Peer is Hard to Find", *Philosophy and Phenomenological Research*, 85(2), 249-272.
- Kirchin, S. (2003) "Ethical Phenomenology and Metaethics", *Ethical Theory and Moral Practice*, 6(3), pp. 241-264.
- Kitcher, P. (1993) *The Advancement of Science: Science without Legend, Objectivity without Illusions*, Oxford: Oxford University Press.
- Koethe, J. (1991) *The Continuity of Wittgenstein's Thought*, New York: Cornell University Press.
- Köhler, W. (1938) *The Place of Value in a World of Facts*, New York: Liveright.
- Kölbel, M. (2004) "Faultless Disagreement", *Proceedings of the Aristotelian Society*, 104(1), pp. 53-73.
- Kolodny, N. (2005) "Why Be Rational?", *Mind*, 114(455), pp. 371-385.
- Korsgaard, C. (1996) *The Sources of Normativity*, Cambridge: Cambridge University Press.
- Korsgaard, C. (1998) "Motivation, Metaphysics, and the Value of the Self: A Reply to

- Ginsborg, Guyer, and Schneewind", *Ethics*, 109(1), pp. 49-66.
- Korsgaard, C. (2003) "Realism and Constructivism in Twentieth-Century Moral Philosophy", *Philosophy Documentation Center*, pp. 99-122.
- Korsgaard, C. (2008) *The Constitution of Agency Essays on Practical Reason and Moral Psychology*, Oxford: Oxford University Press.
- Korsgaard, C. (2009) *Self-Constitution Agency, Identity and Integrity*, Oxford: Oxford University Press.
- Kukathas, C. and Pettit, P. (1990) *Rawls "A Theory of Justice" and its Critics*. Stanford: Stanford University Press.
- Lackey, J. (2008) "A Justificationist View of Disagreement's Epistemic Significance", in ed. by A. Millar, A. Haddock, and D. Pritchard, *Social Epistemology*, Oxford: Oxford University Press, pp. 298-325.
- Lafont, C. (2004) "Moral Objectivity and Reasonable Agreement: can Realism be reconciled with Kantian Constructivism?", *Ratio Juris*, 17(1), pp. 27-51.
- Larmore, C. (1990) "Political Liberalism", *Political Theory*, 18(3), pp. 339-360.
- Larmore, C. (1996) *The Morals of Modernity*, Cambridge: Cambridge University Press.
- Latus, A. (2000) "Moral and Epistemic Luck", *Journal of Philosophical Research*, 25, pp. 149-172.
- Lauritsen H. R. and Thorup M. eds. (2011) *Rousseau and Revolution*, London: Continuum.
- Lavin, D. (2004) "Practical Reason and the Possibility of Error", *Ethics*, 111(3), pp. 424-457.
- Lenman, J. (2010) "Humean Constructivism in Moral Theory" in ed. by R. Shafer-Landau *Oxford Studies in Metaethics Vol. 5*, pp. 175-193.
- Lewis, D. (1983) *Philosophical Papers Vol. I*, Oxford: Oxford University Press.
- Lister, A. (2007) "Public Reason and Moral Compromise", *Canadian Journal of Philosophy*, 37(1), pp. 1-34.
- Macedo, S. (1990) *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism*, Oxford: Clarendon Press.
- Mackie, J. L. (1977) *Ethics: Inventing Right and Wrong*, London: Penguin.
- Madigan, J. P. (2002) "The of Public Reason Resuscitated", *William and Mary Bill of Rights Journal*, 10(3), pp. 719-778.

- Mandelbaum, M. (1955) *The Phenomenology of Moral Experience*, Glencoe: The Free Press.
- Manin, B. (1987) "On Legitimacy and Political Deliberation", *Political Theory*, 15(3), pp. 338-368.
- Martì, J. L. (2006) "The Epistemic Conception of Deliberative Democracy Defended" in ed. by S. Besson and J. L. Martì, *Deliberative Democracy and Its Discontents*, London: Ashgate.
- McPherson, T. (2010) "Metaethics and the Autonomy of Morality", *Philosopher's Imprint*, 8(6), pp. 1-16.
- Mill, J. S. (1848) "Principles of Political Economy" in *The Collected Works of John Stuart Mill*, ed. by J. M. Robson, Toronto: Toronto University Press, 1997.
- Mill, J. S. (1859) "On Liberty" in ed. by S. Collini, *On Liberty and other writings*, Cambridge: Cambridge University Press, 1989.
- Miller, C. B. (2002) "Rorty and Moral Relativism", *European Journal of Philosophy*, 10(3), pp. 354-374.
- Milo, R. (1995) "Contractarian Constructivism", *Journal of Philosophy*, 4(92), pp. 181-204.
- Misak, C. (2000) *Truth, Politics, Morality. Pragmatism and deliberation*, New York: Routledge.
- Morkovits, E. (2009) *The Politics of Sincerity Plato, Frank Speech, and Democratic Judgment*, University Park: Pennsylvania State University Press.
- Mullhall, S. and Swift, A. (1992) *Liberals and Communitarians*, Oxford: Basil Blackwell.
- Murphy, A. R. (1998) "Rawls and a Shrinking Liberty of Conscience", *Review of Politics*, 60(2), pp. 247-276.
- Nagel, T. (1979) *Mortal Questions*, Cambridge: Cambridge University Press.
- Nagel, T. (1986) *The View from Nowhere*, Oxford: Oxford University Press.
- Nagel, T. (1987) "Moral Conflict and Political Legitimacy", *Philosophy and Public Affairs*, 16(3), pp. 215-240.
- Nagel, T. (1991) *Equality and Partiality*, Oxford: Oxford University Press.
- Nagel, Y. (1998) "Concealment and Exposure", *Philosophy and Public Affairs*, 27(1), pp. 3-30.
- Nelkin, D. (2013) "Moral Luck", *The Stanford Encyclopedia of Philosophy*, in ed. by

- Edward N. Zalta, <<http://plato.stanford.edu/archives/sum2013/entries/moral-luck/>>.
- Nozick, R. (1974) *Anarchy, State and Utopia*, New York: Basic Books.
- Nozick, R. (1981) *Philosophical Explanations*, Cambridge: Harvard University Press.
- Olson, J. (2010) "In defense of Moral Error Theory" in ed. by M. Brady, *New Waves in Metaethics*, New York: Palgrave Mac Millan, pp. 62-84.
- Parfit, D. (1984) *Reasons and Persons*, Oxford: Clarendon Press.
- Parfit, D. (2006) "Normativity", in ed. by R. Shafer-Landau, *Oxford Studies in Metaethics Vol. 1*, Oxford: Oxford University Press, pp. 325-380.
- Pasquali, F. (2012) *Virtuous Imbalance Political Philosophy Between Desiderability and Feasibility*. Farnham: Ashgate.
- Pettit, P. (2001) "Embracing objectivity in Ethics" in ed. by B. Leiter, *Objectivity in Law and Morals*, Cambridge: Cambridge University Press, pp. 234-286.
- Pettit, P. (2006) "When to defer to the majority testimony and when not", *Analysis*, 66(291), pp. 179-187.
- Plantinga, A. (1993) *Warrant: The Current Debate*, Oxford: Oxford University Press.
- Pollock, J. (1986) *Contemporary Theories of Knowledge*, Totowa: Rowan and Littlefield.
- Putnam, H. (1975) "Philosophy of Logic", *Mathematics, Matter, and Method: Philosophical Papers Vol. I*, Cambridge: Cambridge University Press, pp. 323-357.
- Putnam, H. 2002. *The collapse of the fact/value dichotomy and other essays*. Cambridge: Harvard University Press.
- Quine, W. V. O. (1961) "On what there is", *From a Logical Point of View*, Cambridge: Cambridge University Press, pp. 1-19.
- Quine, W. V. O. (1970) *Philosophy of Logic*, Prentice Hall: Englewood Cliffs.
- Quong, J. (2005) "Disagreement, asymmetry, and liberal legitimacy", *Politics, Philosophy and Economics*, 4(301), pp.301-330.
- Rachels, J. (1999) *The Elements of Moral Philosophy*, New York: McGraw-Hill.
- Ramsey, F. P. (1927) "Facts and Propositions", *Proceedings of the Aristotelian Society*, 7, pp. 153-206.
- Rawls, J. (1971) *A Theory of Justice*, Cambridge: Harvard University Press.
- Rawls, J. (1974-1975) "The independence of Moral Theory", *Proceedings and Addresses of the American Philosophical Association*, 48, pp. 5-22.

- Rawls, J. (1980) "Kantian Constructivism in Moral Theory", *The Journal of Philosophy*, 77(9), pp. 515-572.
- Rawls, J. (1985) "Justice as Fairness: Political not Metaphysical", *Philosophy and Public Affairs*, 14(3), pp. 223-251.
- Rawls, J. (1987) "The Idea of an Overlapping consensus", *Journal of Legal Studies*, 7(1), pp. 1-25.
- Rawls, J. (1993) *Political Liberalism*, New York: Columbia University Press.
- Rawls, J. (1995) "Reply to Habermas", *The Journal of Philosophy*, 92(3), pp. 132-180.
- Rawls, J. (1997) "The idea of Public Reason Revisited", *The University of Chicago Law Review*, 64(3), pp. 765-807.
- Rawls, J. (1999) *The Law of the People with "The Idea of Public Reason Revisited"*. Cambridge: Harvard University Press.
- Rawls, J. (2001) *Justice as Fairness. A Restatement*. Cambridge: Harvard University Press.
- Raz, J. (1979) *The Authority of Law*, Oxford: Clarendon Press.
- Raz, J. (1990) "Facing Diversity: The Case of Epistemic Abstinence", *Philosophy and Public Affairs*, 19(1), pp. 3-46.
- Raz, J. (1998) "Disagreement in Politics", *American Journal of jurisprudence*, 43, pp. 25-52.
- Raz, J. (1999) *Practical Reason and Norms*, Oxford: Oxford University Press.
- Reidy, D. A. (2000) "Rawls's Wide View of Public Reason: Not Wide Enough", *Res Publica*, 6(1), pp. 49-72.
- Rescher, N. (1988) *Rationality A Philosophical Inquiry into the Nature and the Rationale of Reason*, Oxford: Clarendon Press.
- Rescher, N. (1993a) "Moral Luck", in ed. by D. Statman, *Moral Luck*, Albany: State University of New York Press.
- Rescher, N. (1993b) *Pluralism Against the Demand for Consensus*, Oxford: Oxford University Press.
- Rescher, N. (2006) *Philosophical Dialectics, An Essay on Metaphilosophy*, New York: State University of New York Press.
- Richards, N. (1993) "Luck and Desert", *Mind*, XCV(378), pp. 198-209.
- Riker, W. H. (1982) *Liberalism against Populism: A Confrontation between the Theory of*

- Democracy and the Theory of Social Choice*, San Francisco: W. H. Freeman.
- Rorty, R. (1979) *Philosophy and the Mirror of Nature*, Princeton: Princeton University Press.
- Rorty, R. (1982) *Consequences of Pragmatism*, Minneapolis: University of Minnesota Press.
- Rorty, R. (1989) *Contingency, Irony and Solidarity*, Cambridge: Cambridge University Press.
- Rorty, R. (1990) *Philosophy and Social Hope*, London: Penguin Books.
- Rorty, R. (1991) *Objectivity, Relativism and Truth: Philosophical Papers Vol. 1*, Cambridge: Cambridge University Press.
- Rorty, R. (1993) "Human rights, rationality, and sentimentality", in ed by S.Shute and S. Hurley, *On Human Rights: the Oxford Amnesty Lectures 1993*, New York: Basic Books.
- Rorty, R. (1995) "Is truth a Goal of Inquiry? Davidson vs. Wright", *The Philosophical Quarterly*, 45(180), pp. 281-300.
- Rorty, R. (2007) *Philosophy as Cultural Politics*, Cambridge: Cambridge University Press.
- Rosebury, B. (1995) "Moral Responsibility and 'Moral Luck'", *The Philosophical Review*, 104(4), p. 499-524.
- Rosenblum, N. (1998) *Membership and Morals: The Personal Uses of Pluralism in America*, Princeton: Princeton University Press.
- Rousseau, J-J. (1964) *The First and Second Discourses*, New York: St. Martin's Press.
- Sandel, M. (1982) *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press.
- Scanlon, T. (2000) *What We Owe to Each Other*, Cambridge: Harvard University Press.
- Scanlon, T. (2003) "Rawls on Justification" in ed. by S. Freeman, *The Cambridge Companion to Rawls*, Cambridge: Cambridge University Press.
- Schiffer, S. (1972) *Meaning*, Oxford: Oxford University Press.
- Schiffer, S. (2003) *The Things We Mean*, Oxford: Oxford University Press.
- Schwartzman, M. (2011) "The Sincerity of Public Reason", *The Journal of Political Philosophy*, 19(4), pp. 375-398.
- Schwartzman, M. (2012) "The Ethics of Reasoning from Conjecture", *Journal of Moral Philosophy*, 9(4), pp. 521-544.

- Searle, J. (1964) "How to derive a 'ought' from 'is'". *The Philosophical Review*, 73: 43-58.
- Searle, J. (1969) *Speech Acts: An Essay in the Philosophy of Language*, Cambridge: Cambridge University Press.
- Searle, J. (1995) *The Construction of Social Reality*. London: Penguin.
- Shafer-Landau, R. (1994) "Ethical Disagreement, ethical objectivism and moral indeterminacy", *Philosophy and Phenomenological Research*, 54(2), pp. 331-344.
- Shafer-Landau R. (2003) *Moral Realism – A defence*, Oxford: Oxford University Press.
- Shklar, J. N. (1984) *Ordinary Vices*, Cambridge: Belknap Press.
- Shklar, J. N. (1989) "The Liberalism of Fear", in ed. by N. Rosenblum, *Liberalism and the Moral Life*, Cambridge: Harvard University Press.
- Simpson, R. M. (2013) "Epistemic peerhood and the epistemology of disagreement", *Philosophical Studies*, 164(2), pp. 561-577.
- Singer, P. (1972) "Famine, Affluence and Morality." *Philosophy and Public Affairs*, 1(3), pp. 229 – 243.
- Singer, P. (1993) *Practical Ethics*, Cambridge: Cambridge University Press.
- Sinnott-Armstrong, W. (2008) "Is moral phenomenology Unified?", *Phenomenology and the Cognitive Sciences*, 7(1), pp. 85-97.
- Smith, M. (1994) *The Moral Problem*, Oxford: Blackwell Publishing.
- Solum, L. (1990) "Faith and Justice", *DePaul Law Review*, 29, pp. 1083-1106.
- Sosa, E. (2001) "Objectivity without Absolutes" in ed. by A. Byrne, R. Stalnaker, and R. Wedgwood, *Fact and Value Essays on Ethics and Metaphysics for Judith Jarvis Thomson*, Cambridge: MIT Press, pp. 215-228.
- Sosa, E. (2007) *A Virtue Epistemology*, Oxford: Clarendon Press.
- Stevenson, C. (2006) "The nature of Ethical Disagreement" in ed. by R. Shafer-Landau and T. Cuneo, *Foundations of ethics: an anthology*, Malden: Blackwell Publisher, pp. 371-375.
- Stevenson, R. (1997) "The Emotive Meaning of Ethical Terms" in ed. by S. Darwall, A. Gibbard, P. Railton, *Moral Discourse & Practice: Some Philosophical Approaches*, Oxford: Oxford University Press, pp. 71-82.
- Stout, J. (2004) *Democracy & Tradition*, Princeton: Princeton University Press.
- Street, S. (2008) "Constructivism about Reasons" in ed. by R. Shafer-Landau, *Oxford*

- Studies in Metaethics Vol. 3*, Oxford: Clarendon Press, pp. 207-245.
- Street, S. (2009) "In defence of Future Tuesday Indifference: Ideally Coherent Eccentrics and the Contingency of What Matters", *Philosophical Issues* 19(1), pp. 273-298.
- Street, S. (2010) "What is Constructivism in Ethics and Metaethics", *Philosophy Compass*, 5(5), pp. 363-384.
- Street, S. (2012) "Coming to Terms with Contingency: Humean Constructivism about Practical Reason", in ed. by J. Lenman and Y. Shemmer, *Constructivism in Practical Philosophy*, Oxford: Oxford University Press, pp. 40-59.
- Street, S. (forthcoming) "Objectivity and Truth: You'd Better Rethink it!": <https://files.nyu.edu/jrs477/public/Sharon%20Street%20-%20Objectivity%20and%20Truth.pdf>.
- Sturgeon, N. L. (1994) "Moral Disagreement and Moral Relativism", *Social Philosophy and Policy*, 11(1), pp. 81-115.
- Tersman, F. (2006) *Moral Disagreement*, Cambridge: Cambridge University Press.
- Thompson, D. (2008) "Deliberative Democratic Theory and Empirical Political Science", *Annual Review of Political Science*, 11, pp. 497-520.
- Thune, M. (2010) "'Partial Defeaters' and the Epistemology of Disagreement", *The Philosophical Quarterly*, 60(239), pp. 355-372.
- Timmons, M. (1999) *Morality Without Foundations A Defense of Ethical Contextualism*, Oxford: Oxford University Press.
- Tooley, M. (1983) *Abortion and Infanticide*, Oxford: Oxford University Press.
- Unger, P. (1968) "An Analysis of Factual Knowledge", *Journal of Philosophy*, 65, pp. 602-623.
- Vallier, K. (2011) "Consensus and Convergence in Public Reason", *Public Affairs Quarterly*, 25(4), pp. 261-279.
- Vallier, K. (2012) "Public Discourse" in ed. by A. Besussi, *A Companion of Political Philosophy. Methods, Tools, Topics*, Farnham: Ashgate, pp. 100-115.
- Van Inwagen, P. (1996) "Is it wrong everywhere, always, and for anyone to believe anything on insufficient evidence?" in ed. by J. Jordan e D. Howard-Snyder, *Faith, Freedom and Rationality*, Savage: Rowman and Littlefield, pp. 137-154.
- Van Inwagen, P. (2004) "Freedom to Break the Laws", *Midwest Studies in Philosophy*,

28(1), pp. 334-350.

Van Inwagen P. (2009) *Metaphysics*, Philadelphia: Westview Press.

Velleman, D. (2009) *How We Get Along*, Cambridge: Cambridge University Press.

Villa, D. R. (1999) *Politics, Philosophy, Terror Essays in the Thought of Hannah Arendt*, Princeton: Princeton University Press.

Waldron, J. (1987) "Theoretical Foundations of Liberalism", *The Philosophical Quarterly*, 37(147), pp. 127-150.

Waldron, J. (1999) *Law and Disagreement*, Oxford: Oxford University Press.

Walker, A. D. M. (1978) "The Ideal of Sincerity", *Mind*, 87(348), pp. 481-497.

Wall, S. (1998) *Liberalism, perfectionism, and restraint*, Cambridge: Cambridge University Press.

Wall, S. (2010) "On Justificatory Liberalism", *Politics, Philosophy and Economics*, 9(2), pp. 123-149.

Walzer, M. (1984) "Liberalism and the Art of Separation" in *Thinking Politically Essays in Political Theory*, New Haven: Yale University Press, 2007, pp. 53-67.

Wedgwood, R. (2002) "Practical Reasoning as Figuring Out What is Best: Against Constructivism", *Topoi*, 21(1-2), pp. 139-152.

Wedgwood, R. (2007) *The Nature of Normativity*, Oxford: Oxford University Press.

Wedgwood, R. (2010) "The Moral Evil Demons" in ed. by R. Feldman and T. Warfield, *Disagreement*, Oxford: Oxford University Press, pp. 216-247.

Weithman, P. (1997) "Religion and the Liberalism of Reasoned Respect" in ed. by P. Weithman, *Religion and Contemporary Liberalism*, Notre Dame: University of Notre Dame Press, pp. 1-37.

Weithman, P. (2004) *Religion and the Obligation of Citizenship*, Cambridge: Cambridge University Press.

Wiggins, D. (1990-1991) "Moral cognitivism, moral relativism and motivating moral beliefs", *Proceedings of the Aristotelian Society*, 91, pp. 61-85.

Wiggins, D. (2005) "Objectivity in Ethics; Two difficulties, two responses", *Ratio*, 18, pp. 1-26.

Williams, B. (1981) "Internal and External Reasons.", *Moral Luck*, Cambridge: Cambridge University Press, 101-113.

Williams, B. (2002) *Truth and Truthfulness*, Princeton: Princeton University Press.

- Williams, B. (2005) *In the Beginning Was the Deed Realism and Moralism in Political Argument*, Princeton: Princeton University Press.
- Wittgenstein, L. (1922) *Tractatus Logico-Philosophicus*, translated by C. K. Ogden, London: Routledge & Kegan Paul.
- Wittgenstein, L. (1953) *Philosophical Investigations*, translated by G. E. M. Anscombe, Oxford: Blackwell Publishing.
- Wittgenstein, L. (2005) *The Big Typescript: TS 213, German English Scholars' Edition*, ed. by C. Grant Luckhardt and Maximilian E. Aue, Oxford: Wiley-Blackwell.
- Wong, D. (1984) *Moral Relativity*, Berkeley: University of California Press.
- Wong, D. (1992) "Coping with moral conflict and ambiguity", *Ethics*, 102(4), pp. 763-784.
- Wright, C. (1992) *Truth and Objectivity*, Cambridge: Harvard University Press.
- Young, J. O. (2008) "The Coherence Theory of Truth", *The Stanford Encyclopedia of Philosophy (Fall 2008 Edition)*, Edward N. Zalta (ed.), <<http://plato.stanford.edu/archives/fall2008/entries/truth-coherence/>>.
- Zangwill, N. (1992) "Quietism", *Midwest Studies in Philosophy*, 17(1), pp. 160-176.