

Neutrality and Political Liberalism

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Is neutrality on the good in some sense an ideal that a just society must embrace? A flagrantly non-neutral policy such as a state establishment of religion would surely merit condemnation. Such a policy would be non-neutral on the good, but would also run afoul of other principles of right that might have independent appeal for many of us, whatever our views on state neutrality. On the other hand, we might imagine a society in which human friendship is deteriorating according to a variety of social science measures. An alarmed government institutes laws and policies to promote friendship, consisting of a pro-friendship advertising campaign, attention to friendship in the public school curriculum, and subsidized psychotherapy and anger management classes for people who see themselves as lacking capacities for forming and sustaining friendships and are unhappy about that. Such policies would qualify as non-neutral, if the neutrality norm rules out state action that advances some controversial conception of good, and if it is controversial that friendship is good. (Maybe some theorists celebrate the hermit's life.) Here non-neutrality does not strike me as bad policy.

Neutrality on the good is a thesis in the theory of moral right, the theory of what we morally owe to one another.ⁱ More specifically, neutrality is a suggested moral constraint on justifiable state policies. Neutrality is opposed to perfectionism, regarded as (inter alia) a norm for the guidance of state policy. However, both neutrality and perfectionism come in different versions, and one might wonder whether plausible, moderate versions of each view might tend to convergence, that is, to recommendation of similar practical policies. The first part of this essay argues that the opposition is robust and the prospects for convergence are dim.

Political liberalism as affirmed by John Rawls might seem to provide strong arguments in favor of a version of pluralism on the good. The second part of this essay argues that this appearance is deceptive. Thinking through the political liberalism approach to social justice issues yields no support for neutrality on the good.

I.

Clarification. First, some clarification of the neutrality ideal is needed. I shall distinguish three notions of neutrality and identify the neutrality norm with two of them. Here I am following the practice of neutrality advocates, not claiming to do any original analytical work. The three notions are:

1. Neutrality of aim requires that no action or policy pursued by the state should aim to promote one controversial way of life or conception of the good over another.
2. Neutrality of justification requires that any policies pursued by the state should be justified independently of any appeal to the supposed superiority of one way of life or conception of the good over another.
3. Neutrality of effect requires that policies pursued by the state should not bring it about that any controversial way of life or conception of the good is advantaged over others. Nor should state policy bring it about that any adherents of some controversial conception of the good or way of life are advantaged over adherents of other ways or conceptions.

The neutrality norm as I shall understand it in this essay combines neutrality of aim and neutrality of justification. Both requirements must be satisfied.ⁱⁱ

The right, independent of the good. As so far described, the neutrality doctrine holds that what is morally right for the state to do is fixed independently of controversial claims regarding what is good (what is worth seeking in human life, what adds to the well-being of a person).

Viewed in the light of this contrast between the concepts of the good and the right, the doctrine of neutrality reveals an odd asymmetry. Neutrality insists that state power not be deployed on behalf of controversial ideas of the good. The appropriate justifications for the use of state power must be sought elsewhere, and in part, in the doctrine of neutrality itself. The doctrine of neutrality is doubtless itself a controversial position, but this is a controversial doctrine within the domain of the morally right, so its being controversial does not rule out its being acceptable, part of the doctrine of justice that determines what uses of state power ought and ought not to be made.

The evident odd asymmetry here is that conceptions of the good that are controversial are ipso facto unsuited to be determiners or partial determiners of what is just, whereas controversial conceptions of right are not barred from functioning in just this way. Presumably the background assumption is that a conception of what is morally right can be controversial, accepted by some intelligent and thoughtful people and rejected by others, yet still be correct for all that, singled out as uniquely best by the all things considered balance of moral reasons that bear on the issue.

Why this epistemic asymmetry? Something approaching skepticism about the rational determination of what is good is assumed, along with robust nonskepticism about the rational determination of what is right.ⁱⁱⁱ One wonders whether the bar of rational acceptability is being raised and lowered arbitrarily when one moves from the domain of the right to the domain of the good, so the standard cannot be met when we are debating what is good but can be met when we are debating what is right. The suspicion is naturally raised that whatever skeptical considerations are thought to defeat the project of figuring out what makes a life good for the person who lives it, those same skeptical considerations applied evenhandedly to the project of figuring out what we morally owe to one another will bring about a similar defeat. This is just a suspicion, and one that could be defeated by presentation of arguments that warrant skepticism about the good and fideism about the right. I confess that in my own mind the suspicion rankles. I have yet to see the arguments that amount to a plausible defense of asymmetry.

However, it should be noted that neutrality might be defended without appeal to asymmetry. For example, one might adhere to a theory of moral right whose central components simply do not hinge on claims about the good. If Lockean libertarianism ultimately proves to be the correct theory of moral right, then what we owe to one another does not depend in any way on conceptions of what goals are most worthy of pursuit and what ways of life are most fulfilling.^{iv} The Lockean libertarian holds that each person has the right to do whatever she chooses with whatever she legitimately owns provided she does not thereby harm others in certain ways that count as violating their natural rights. A state would at most be justified in acting to protect people's natural moral rights. No state policies that run afoul of the neutrality norm could be justified. Lockeanism embraces neutrality without reliance on any epistemic asymmetry claims to the effect that knowledge of the good is unavailable whereas knowledge of the right is available. Knowledge of the good, if such there be, would be simply an idle wheel in the Lockean libertarian political morality.

However, to sustain neutrality by his line of thought, one must be able to justify a conception of what rights we have, Lockean or some other, without appeal to what is good or worth seeking in human life. This is, to say the least, a tall order.

Neutrality regarding *controversial* conceptions of good. The neutrality norm requires the state to be neutral only between controversial claims about what is good. Which are these? A conception of the good might be controversial in a purely descriptive sense. In this sense, if something is actually disputed, it is controversial. I suppose a friendly interpretation of the neutrality norm takes a claim about the content of human good to be controversial if it is normatively controversial. There are reasons for and against the claim, so it makes sense that the claim is controversial.^v The claim has features that make it apt for controversy. I suppose also that a claim about good can be controversial in this normative sense even when it is the case that it is ultimately ascertainable whether or not the claim is true or best supported by moral reasons, all things considered. There is a truth of the matter that in some sense, maybe with difficulty,

maybe only in the long run, is amenable to discovery. That can be so, yet the claim is controversial, and given our epistemic situation, should be controversial, to a degree, for now.

There is a puzzle here, however, to which I keep recurring in this essay. If there are some reasons in favor of a view, say Buddhism, and some reasons in favor of an opposed view, say Hinduism, and no compelling reasons on either side, how does the choice between these doctrines get to be legitimately controversial? If the situation is as described, shouldn't we all agree there is something to be said for each side and no decisive reason to favor either one? Perhaps we should say that an issue is descriptively controversial if actually disputed and normatively controversial if there is some rational basis for controversy, even if not a decisive basis. Being normatively controversial then admits of degree. At the limit, all reasoners responding fully to the reasons there are will agree (even if just to say there is no superior merit in any contending position). Just shy of that limit, there may still be controversy among pretty good reasoners, and as one raises the standard of normative controversiality, one gets closer to the limit.

The neutrality norm advocate would render her position implausible if she held that anything actually disputed is genuinely controversial and would be gutting her position if she insisted on raising the standard for normative controversiality to the limit where nothing would actually be disputed. There is as it were a Goldilocks issue here; a plausible neutrality norm will insist neither on too much reasonableness nor too little in setting the bar for being normatively controversial.

What neutrality comes to in practice will depend on what counts as a controversial conception of good or claim about the good. I assume that advocates of the neutrality norm would agree that is a controversial claim about the good that the goods of sexual pleasure, sexual intimacy, and sexual friendship that we suppose are available in heterosexual relationships and heterosexual sexual activity are equally available in nonheterosexual relationships and sexual activity. These important human goods that a man and a woman can gain from sexual encounters can equally be gained from same-sex sexual encounters.

This claim is clearly controversial in the descriptive sense. Many Christians and others as a matter of fact reject it. More to the point, the claim is normatively controversial; it is a claim that is controversial among ordinary, reasonable people who are not substandard in cognitive abilities. People offer substantial arguments in its support. People who find the idea of gay sex degrading or evil sometimes appeal to Divine Command to justify this response, so the issue is then entangled in further controversial issues. Intelligent people can be found on opposed sides in such disputes.

Despite its controversiality, I find it incredible that the claim that same-sex sex is good is false. It strikes me as evidently true and a suitable basis for public policy in a diverse democracy. I don't propose to argue for the goodness of same-sex sex here; I just invite the reader to consider the issue and ponder whether neutrality regarding controversial conceptions of good in its application to this question looks like a stance that justice allows. I think not.

One might resist this plea for nonneutrality on the ground that what is required is that the state protect the rights of all persons to conduct their lives as they see fit according to their own values and norms so long as they don't harm others (in certain ways that violate their rights). Taking a stand for or against the goodness of sexual activity of any sort is neither here nor there, one might hold. So the claimed requirement that the just state should take a stand on this matter does not put any pressure on the advocate of the liberal neutrality. What the just state does is keep its mouth shut on this issue, and that's consistent with a strict neutrality policy.

We should not buy this line of thought. Merely allowing people the freedom to pursue their good as they see fit may not give them a fair opportunity actually to lead good lives, because they lack the resources necessary to achieve the reasonable goods they seek. Nor is this problem remedied by adding to one's theory of the right a provision that ensures that people will have a fair opportunity to gain resources or even a guarantee that they will have access to some threshold amount of multi-purpose resources suitable for gaining diverse goods. The problem is that the resource share that is fair for an individual to have cannot be settled independently of considering

the individual's particular traits and how those traits would interact with given resources in the individual's actual circumstances to generate opportunities to achieve a good quality of life. What counts as a good quality of life depends on what is valuable in human life, not merely on what is currently fashionable or revered. On this view, what we owe to one another depends inter alia on what is objectively valuable and what it would take for each of us to get a fair amount of it.

Reverting to the example of same-sex sex, I claim that merely ensuring that each man and woman has the freedom to pursue romantic partners who are either men or women does not guarantee adequate opportunity for romantic fulfillment to all regardless of their sexual orientation. Perhaps instruction to all school children is needed to bring about a social atmosphere that promotes real as opposed to merely formal freedom in this sphere. A society that passes laws forbidding racial discrimination does not merely aim to prevent racially discriminatory behavior. The larger aim is to change the hearts and minds of men and women, so they come to be no longer prone to racial animus and prejudice. To achieve the larger aim might require additional policies whereby the state declares itself for a racially harmonious society. In much the same way, bringing it about that--so far as is feasible consistent with other justice goals--all individuals have adequate opportunities for sexual and romantic fulfillment may require not merely laws protecting people's freedom and privacy but also nonneutral state policies whereby the state declares itself to be for the (controversial) good in this area.

Perfectionism, extreme and moderate. A neutrality norm with its scope limited so it applies only to controversial conceptions of the good and a perfectionist ethic that recognizes pluralism and limited commensurability might seem to be heading toward convergence. We might wonder if there is room left for significant, consequential practical disagreement when the two principles are qualified and refined and accepted finally only in their most plausible versions.

A perfectionist ethic holds that one morally ought to bring it about that human good is promoted, at least up to a point (and within the limits of whatever constraints and options on such

promotion should be accepted). For any individual person, human good is greater when one's life goes better for one rather than worse, and a life goes better for one to the degree it includes more objectively valuable things, the entries on a so-called Objective List.^{vi} As a life gains more and more of such goods, each weighted by its intrinsic importance, the life resembles more closely the perfect human life. The good in question here is prudential good, the good an individual seeks when she is seeking her own interest or advantage.

A simple perfectionist ethic would have it that all moral requirements are subsumed in the requirement to promote the objectively good; this yields a version of act consequentialism. A more modest perfectionist ethic would also accept some deontological constraints and options alongside its requirement to promote the good. However, even on the modest version, a perfectionist ethic holds that to some considerable extent, what is morally right depends on claims about what is objectively good for people and about how such good can best be promoted.

Perfectionism might assume an extreme or a more moderate form. Extreme perfectionism affirms full commensurability. For any different ways that people's lives might go, if the facts are fully specified, then there is always a determinate answer to the question, which possible life of those the person might have led would have been best for her, and by how much, and how much better or worse would a given possible life of this person have been, compared to specific lives that other people might have led. In principle there is a definite answer to the question, for any combination of types and amounts of good in a person's life, what is the total of well-being that life provided her. On an extreme view, goods of different types can be ranked against each other, and numbers can be assigned to persons lives, registering how good it was for the person to lead that life, that are cardinally interpersonally comparable.

Moderate views affirm partial or limited commensurability. There is a range of such views. Some might countenance ordinal not cardinal comparisons, whether interpersonal or intrapersonal. I want to highlight moderate views that countenance limited, gappy cardinal interpersonal commensurability. If two persons' lives are otherwise identical, but one has some

of good X and the other has some of good Y instead, then holding fixed the quantity of X the one has, there will generally be some amount of Y, such that if the other person has less than that amount of Y, her life has less well-being than the other, and there will be some amount of Y, such that if the person has more than that amount, her life has more well-being than the other. Between the higher and lower amounts, the one is neither better off nor worse off nor exactly as well off as the other.

Perfectionism versus neutrality. Perfectionism then immediately conflicts with neutrality, regarded as a constraint on acceptable state policy. Perfectionism says that what is morally right is to promote the good, and bring about its fair distribution, within whatever moral deontological constraints ought to be accepted. This norm is to regulate choice of public policies and laws enforced by government as well as choices by individuals about what courses of action to adopt. The correct conception of good largely fixes the substantive content of morally right public policies and laws according to perfectionism. However, neutrality opposes perfectionism on just this point. Neutrality holds that it is morally wrong to use state power with the aim of advancing some controversial conception of human good and morally wrong to impose on people in the form of laws and public policies that could be justified, if at all, only by appeal to controversial conceptions of good. If the correct conception of human good is controversial, perfectionism affirms exactly what neutrality denies. The component of the neutrality norm that I am saying conflicts with perfectionism is neutrality of justification.

One might resist this conclusion from various standpoints. One might suppose that the more moderate one's perfectionism, and the higher the standard that must be met if a conception or claim about the good is to count as controversial according to the neutrality norm, the less room is left for serious disagreement as to what state policies in this area are morally acceptable. Broadly speaking, this claim is true. But two caveats should be added. First, the neutrality advocate does not have unlimited freedom to raise the bar that must be met for a dispute about what is good to qualify as genuinely controversial. Beyond some point, this strategy simply

amounts to abandoning the neutrality norm as usually conceived. Second, as the example of state endorsement of the value of same-sex sexual activity illustrates, a claim about what is one alternative form of the good life can be just as controversial as claims about what is uniquely good.

Perfectionism as characterized just above says state policy should promote the good within acceptable deontological constraints, and maybe conformity to neutrality is one such constraint. Also, perfectionism as just characterized says state policy should promote the good and bring about its fair distribution, and perhaps fairly distributing the good requires adherence to the neutrality norm.

The thought that neutrality is a fundamental deontological constraint on promoting human good via state action suggests that there is something special about state action that triggers the constraint in this special context. One possibility here is that what makes state action special is that it is coercively enforced; behind announced governmental edicts there are sanctions—the police, the law courts, jail, fines, prison, public condemnation, the gallows, and so on. However, coercion per se cannot be the pivotal concern, because state policies could be nonneutral in ways the neutrality norm deems objectionable even if they are cajoling and not coercive. Another possibility is that in the nature of the case, the state at least in modern times represents itself and moreover ought to represent itself as speaking in the name of all the members of society and doing so in ways that all members have reasons to accept. This consideration I take to introduce the core concern of political liberalism, examined in part II of this essay.

A perfectionist view that recognizes a plurality of distinct and independent goods and countenances only limited commensurability across the goods it recognizes will still oppose the neutrality norm for a simple reason not yet mentioned: neutrality includes the requirement of neutrality of aim. Perfectionism can recommend promoting one way of life over another even if neither one is deemed superior to the other.

Merely affirming that many different types of thing are objectively valuable and such that getting or achieving things of the type enhance people's well-being does not necessarily tend to bring perfectionism and neutrality into convergence. Nor does moderate perfectionism (committed only to limited commensurability) necessarily imply only policies that are compatible with neutrality or close to that. A pluralistic moderate perfectionism is still the enemy of neutrality. Whether these possible disagreements materialize in practice depends on the circumstances we face, but my own hunch is that in actual and likely circumstances the perfectionist advocate and the neutrality advocate will disagree sharply and across the board.

II.

Political liberalism and neutrality. Many theorists nowadays who endorse some version of the neutrality doctrine find its most philosophically sophisticated development and elaboration in the ideas of political liberalism first articulated by John Rawls.^{vii} Accordingly I turn to political liberalism for the assistance it can offer for the assessment of neutrality.

Rawlsian political liberalism starts with a problem: Can there be reasonable agreement among the members of a diverse liberal society on a philosophical account of justice that indicates why the basic institutions of the society are just, to the extent they are that, and where these institutions fall short, what changes would render them acceptable? On the face of it, the answer seems to be No. Given what Rawls calls the fact of reasonable pluralism, unless there is a clearly unacceptable, tyrannical restriction of freedom of thought to secure unanimity of opinion, the members of a liberal society will fan out into allegiance to opposed comprehensive moral doctrines. A comprehensive doctrine provides answers to a wide range of ethical questions about how we ought to live, what is worthwhile and valuable in human life, what rights people have by way of fair treatment from others, along with corresponding duties, what character traits should be instilled and emulated, what shape the basic institutions of society should take, and so on. A comprehensive doctrine might also include views about the place of humans in the universe and

views on philosophical and metaphysical issues concerning the natures of things. Not everyone has opinions that amount to a comprehensive view, but many do. Traditional religions tend to provide large worldviews amounting to comprehensive views. Reasonable people will differ widely in their allegiances to comprehensive doctrines, and the disagreements will be stable and enduring. So far as we can see, we are never going to agree about these matters.

Given the fact of reasonable pluralism, it seems that any philosophical conception of justice will be contested, and rejected by some persons on the basis of their reasonable comprehensive beliefs. Unanimous agreement on principles of justice will forever elude us. Moreover, it might seem impossible to fulfill what Rawls takes to be a fundamental moral constraint on acceptable employment of state power, the legitimacy ideal: One morally ought not to use state power in ways that coerce individuals or affect their interests except when these state policies are justifiable by reference to principles that no one could reasonably reject.^{viii} But given the fact of reasonable pluralism, any principles some might reasonably affirm, others will reasonably deny.

Rawls's solution to this puzzle is by now well known.^{ix} A reasonable person, aware of the situation just described, will not attempt to secure unanimous agreement from her fellow citizens by making sectarian appeals to principles some will reasonably reject. Instead reasonable people will strive to satisfy the legitimacy ideal by working out whether public reasons, shareable by all, will single out principles of justice for the regulation of the basic structure of society and of the conduct of individuals that are reasonably rejectable by none. If this enterprise is successful, we will have identified a free-standing module consisting of fundamental moral principles and their intuitive rationale. These principles with their intuitive rationales will be acceptable to all reasonable persons. They represent (what should be) our rock-bottom core commitments, the shared basis for social unity, the standard of social justice.

One possible way to arrive at this basis for social unity would be to discover that all reasonable comprehensive doctrines do share some principles despite their wide disagreements.

The core of shared principles (along with their intuitive rationales) then becomes the legitimate grounds for state coercion. There could be this shared core even if from different standpoints different and conflicting underlying justifications would serve to justify it.

Another possibility is that a shared core is not latent in current beliefs but emerges from shared dialogue about where to go from here. Given that we are aware of our comprehensive doctrine disagreements and seek shared rational principles despite this, we seek public reasons that all who are reasonable will affirm in the light of this conception of the task—to see what we can agree on, given we disagree intractably about so much, “we” being rational persons who seek to cooperate with others according to norms no persons with just these aims could reject. We seek agreement just for this limited purpose and eschew candidate principles and rationales not needed for this purpose. The public reasons and linked principles we affirm at the end of this exercise might not include any principles from anyone’s comprehensive doctrines, just freestanding moral ideas tailor made for inclusion in a political conception of justice—a conception that can attract rational unanimous agreement despite deep pluralism and disagreement in belief.

Nothing guarantees that such a search will be successful, but nothing guarantees it won’t be successful.

The key is supposed to be that the reasonable person in a diverse democracy can negotiate two tiers of belief, comprehensive and political, and two kinds of reasons, private and public.

I should add a twist to the account presented so far. According to Rawls, the liberal legitimacy norm requires not that all state action, but state action touching on constitutional essentials and basic questions of justice, should be exercised in ways that “all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”^x State action touching on matters not affecting the justice of basic social relations is not governed by the liberal legitimacy norm as just described. I do not take this

to be a significant qualification, and anyway some advocates of political liberalism embrace the doctrine in the wider formulation I initially employed.

The relationship between political liberalism as just described and the neutrality doctrine is transparent, as summarized in the following argument:

1. It is morally wrong for the state to impose on people coercively except in accordance with principles that no one can reasonably reject
2. Whenever the state coercively imposes on people either (a) in order to promote some controversial conception of the good or way of life over others or (b) in ways that are justifiable if at all only by appeal to controversial doctrines of the good, the state is acting in accordance with principles that some people can reasonably reject.
3. Therefore, it is morally wrong for the state to impose on people coercively either (a) in order to promote some controversial conception of the good or way of life over others or (b) in ways that are justifiable if at all only by appeal to controversial doctrines of the good.

To anticipate my eventual line of thought, I note that “reasonably” in the argument above might be construed in one of two ways. If “reasonably” means “reasonably enough, but perhaps involving some failure of deliberation or cognitive error,” then premise 2 above may be true but premise 1 is definitely false. If “reasonably” means “on the basis of ideally full deliberation involving no cognitive error or mistake,” then premise 1 in the argument above may well be true but premise 2 is definitely false. There is no way to interpret the argument so that its premises come out true and imply the conclusion.

Notice that political liberalism so construed vindicates the neutrality doctrine without any invocation of the odd epistemic asymmetry between conceptions of the good and conceptions of the right. No such asymmetry plays a role in political liberalism. The operative contrast is instead between a comprehensive ethical doctrine, a worldview that guides all or at least many components of practical reasoning, and a political conception of justice.

Empirical versus moral disagreement. As stated, the legitimacy ideal seems to imply that being coerced or imposed upon in the name of moral principles you do not accept is morally obnoxious in a way that being similarly coerced or imposed on in the name of empirical claims you do not accept would not be. I wonder about that.

Imagine that I am the owner of a factory that is subject to strict government regulation constraining its operation. The point of the regulation is to prevent me from contributing excessively to global warming or some other long-term environmental threat. I chafe at the regulations, which I claim to be in sharp conflict with the ideal of a society of free and equal persons. Now imagine two variants of the story. In the first, I reasonably reject the moral principle that is invoked to justify the regulation. I deny that present property owners are required to be stewards of the earth, are bound by obligations to future generations, or anything of the sort. In the second variant, I accept the moral principle invoked to defend the regulations in question, but I reject the empirical claims that, combined with the principle, yield the conclusion that I am violating moral duties to future persons by the manner of operation of my factory and ought to be forced by suitable regulation to comply with those duties. It is simply not clear to me that the two variants differ with respect to the *prima facie* wrongfulness of coercing me or imposing on me.

In both cases the regulations imposed on me are unjustified just in case the claims of moral principle and the claims of fact offered as justification are incorrect and there is no substitute justification that would be correct. (Let's set aside the version of the latter case in which, unbeknownst to anybody involved, a correct justification for the regulations exists, but it is sheer luck that this is so, since nobody is in a position to appeal to it.) If either my moral principle objection or my empirical fact objection to the imposed regulations is correct, I am being wronged by their imposition.

However, suppose my objection in either case is not correct, but is reasonable according to some epistemic standard of reasonableness. The question then arises, how good is the

standard? I'm inclined to say that if I have any right not to be imposed on in ways that strike me as objectionable, what offends is not just being imposed on in the name of some controversial view, moral or empirical, but rather being imposed on in the name of some view that is incorrect (and that cannot be justified by appeal to some other correct view). Alternatively, one might understand this right in a relativized way: each of us has a right not to be imposed on in ways that cannot be justified by appeal to where the balance of reasons available to us points (as indicating what is most likely to be correct on the basis of presently available evidence and argument).

Problems with political liberalism. The ideal of public reason conjures up the picture of a harmonious democratic society marked by toleration, diversity, and commitment. All citizens are united in their commitment to principles of right that justify the political constitution and basic institutional arrangements. The reasons that do this justifying work are public reasons shared by all. Beyond the basic arrangements, citizens fan out into allegiance to diverse and conflicting philosophical and religious commitments and opposed beliefs about what constitutes a good and worthy life. These various beliefs are justified by private reasons, which all sense would be unsuitable if proposed as justifications for public policies binding on all. Each believes herself to be, and perhaps is, perfectly rational in both the public and private commitments, and recognizes that her fellow citizens believe themselves to be, and perhaps are, perfectly rational in the same way. I fully believe and endorse my conception of the good, my nonpublic moral beliefs, and my metaphysical and religious worldview. To endorse these beliefs is to regard them as correct responses to the reasons there are. Moreover, I see myself as one rational citizen among others, who are committed to conflicting and opposed beliefs. The line between public and private reasons is the line between reasons all can share and reasons that some will accept and others will not.

However attractive this picture, its description of many rational persons holding equally rational but opposed beliefs is incoherent. If the members of society lived in isolated valleys, each perhaps could be adequately responsive to all of the evidence she has, yet adhere to beliefs

that contradict what others believe. But that is not the picture we are given. The gap between public and private reason is one we are supposed to be able to acknowledge together. But how can I continue to believe in Roman Catholic theology on the basis of certain reasons while acknowledging that you are perfectly rational to believe in an opposed theology that conflicts with Catholicism on the basis of other reasons? One or both of us must be failing to respond fully to the reasons there are. Either your reasons outweigh mine, or mine outweigh yours, or neither set clearly outweighs the other. In the third case, I should withdraw my belief, and say that so far as we know, either my theology or yours (or neither one) might be correct. What I cannot sensibly do is think that we could both be rational to adhere to different and opposed beliefs on the basis of what is now the same body of evidence, once we have shared our reasons. Of course, your standards for “weighing” and assessing reasons might be different from mine, but then the same problem arises again, with the same outcome. We cannot rationally believe that the members of our diverse democratic society perfectly rationally affirm conflicting beliefs, except in so far as we think that some have evidence of which others are unaware. Moreover, in so far as we have reason to think that others hold evidence or have articulated reasons we lack but that bear on the correctness of the beliefs we hold, we should seek out and assess that possibly decisive counterweight to our current beliefs.

This criticism of the political liberalism ideal might not be devastating, or even troubling. Perhaps the advocate of political liberalism can concede that at the limit of inquiry, when all evidence and arguments are on the table, all persons not making any cognitive errors would agree, both in science and ethics. However, short of that day, evidence and arguments are unevenly distributed across persons. Since the evidence I have is not the same as the evidence you have, it is possible that we could disagree, even though neither of us is in error. Since the ideal limit of inquiry either will never be reached or is extremely far off in the future, the ideal of fully rational and reasonable persons continuing to uphold conflicting comprehensive doctrines is not threatened with incoherence.

The same problem pops up in another place, however. What it is rational for me to believe now regarding what is right and good depends on the arguments available now, not arguments and theories and principles that will not be conceived and articulated until some future time. But once people have shared their judgments and the grounds for them, we all have the same provisional reasons, so once again, supposedly stable rational disagreements will tend to convergence, including convergence on the need to suspend judgment. Same goes for disagreements about standards about what weight to give to evidence and reasons of different types—either one of us has better reasons for her favored weighting or not. Once again, the political liberalism ideal of fully rational persons holding starkly opposed ethical beliefs, aware of each other's positions, and affirming each other's rationality, provides a stirring but incoherent picture of mutual toleration.

Of course, putting the matter in this way just emphasizes that in fact the political liberalism ideal is not that of fully rational persons holding opposed beliefs but rather of “reasonable” persons doing that. A *reasonable* person here is above all one who is disposed to treat people in whatever ways morality requires, to cooperate with others on fair terms. This is the idea of reasonableness that is invoked when one says to someone who is not bargaining in good faith, but rather using hardball tactics to gain as much as he can without any regard for the interests of others, “Be reasonable!” A reasonable person in this sense is assumed not to be completely incompetent at practical reason, but need not be fully or perfectly competent. A person's adherence to a comprehensive doctrine is reasonable provided she flexibly adjusts the doctrine in response to new experience and evidence and strives to render the views she accepts consistent and plausible. Such a person manifests practical reasoning ability at least at some threshold “good enough” level. However, this notion of reasonableness allows that one can be fully reasonable while still making cognitive mistakes and mistakes in reasoning in arriving at one's particular, detailed comprehensive doctrine.

But if you can be reasonable while still making mistakes, it is wrong to hold that one should not act toward people except in the name of principles to which there is no reasonable objection. On this construal, the don't-impose-except-on-the-basis-of-principles-that-none-can-reasonably-reject constraint is too constraining. (It may be that no substantial principle can meet the constraint; maybe every such principle is reasonably rejectable if "reasonably" means "semirationally.")

If there is a constraint here, it has to go just the other way. Whatever emerges from the procedure of rationally assessing and weighing public reasons until one fixes (if one is successful) on principles that no one could rationally reject should serve as a constraint on acceptable comprehensive doctrines. In weighing public reasons to arrive at nonrejectable principles, it would be a mistake to hold the process hostage to the comprehensive beliefs people hold that need satisfy only meet a relaxed standard of semirationality. If the legitimacy ideal is interpreted as holding that state power should only be used in ways that are justifiable by reference to principles that no one could reject on the basis of semirational comprehensive doctrines, the legitimacy ideal is being stretched too far. If one went this route, one would then open up a gap between legitimacy and justice. Conforming to the legitimacy ideal might require jettisoning some principles of justice that are best supported by moral reasons, shareable public reasons, and therefore not rationally rejectable, because the principles would conflict with some aspect of some comprehensive doctrines that "reasonable persons" (reasonable by Rawls's relaxed standard) might affirm, even though these would not be affirmed by fully rational persons. Pushed this far, the legitimacy ideal is illegitimate.

If on the other hand we tighten up the standards for rationality, meaning that we count as a rational person in the domain of practical reason, one who responds fully to the reasons there are and accepts all and only principles that fully express or incorporate those reasons, the legitimacy ideal is unexceptionable. It asserts: We should deploy state power only in ways that are justified by moral principles that none could rationally reject. These are the principles best

supported by the moral reasons there are. (If some principles are tied for best, then reason is indifferent as to which one we act on. If coordination problems arise here, the coordination issue will tip the balance toward whichever of the tied for best principles is currently accepted or closer to being accepted and governing people's conduct.)

By the same token, one should have no quarrel with Rawlsian political liberalism once one emphasizes that public reasons trump private reasons (if the idea of a reason private to myself and not also a reason for anyone is coherent) and that the process of discovery of the candidate political conception of justice best supported by moral reasons is not constrained to rule out of court candidate moral claims merely on the ground that they are rejectable from the standpoint of some semirational comprehensive doctrine that is not guaranteed to be fully rational. Moreover, once one gets this far, one sees immediately that the discovery process for the morally favored political conception of justice might well draw in controversial conceptions of the good provided they pass muster at the bar of public reason. It seems to me overwhelmingly likely, and more importantly not ruled out by any arguments we should accept, that conceptions of human good that are anathema to some comprehensive moral doctrines that are reasonable enough to qualify as included in the consensus that a political conception of justice acceptable in the Rawlsian framework must attract, are nevertheless fully defensible at the bar of public reason and fit to shape the content of the conception of justice we should embrace. Some controversial claims about the good are correct. They partly determine what is just.

This line of thought can be rephrased in terms of what is owed to people by way of toleration of their comprehensive doctrines, given that they vary by degree in their practical reason capabilities and in their skill and diligence at exercising them. Being a partly rational agent, I would say following Kant, I best express my nature as a rational agent by conforming to principles best supported by the moral reasons there are. Being a rational agent, and possessing that moral dignity, I have a right not to be treated by others, affected by their actions, or ignored by them, in ways that are not justified by the moral principles best supported by moral reasons.

But this moral right cannot be upheld when it is given a subjective construal. I have no moral right that people treat me only in ways that are justifiable according to moral principles that appear to me to be rationally compelling. For I might fail to discern some moral reasons that are valid and imagine I discern some moral reasons that are not there to be seen.

A threshold of reasonableness? On the Rawlsian view under review, being “reasonable” is a threshold notion. To be reasonable is to be reasonable enough, to have met a sufficient standard. This good enough standard might be variable in its stringency, depending on what is at stake for the choice at issue. But even when the stakes are very high, as when the justification of public policies and state-enforced laws is being appraised, to be reasonable it is not required that one be fully rational, make no mistakes, not even subtle errors, in reasoning and in weighing evidence, be fully and adequately responsive to the reasons there are that bear on the choices one is making.

The idea then of political liberalism would be that if someone’s beliefs meet a threshold standard of reasonable belief foundation, then one ought not to use state power to impose on him when those uses of state power cannot be justified to him from his standpoint. The principles that legitimate the use of state power in ways that affect a person are principles that she cannot reasonably reject. I suppose reasonable rejection might arise in one of two ways: either the person reasonably (that is: at or above the threshold level of reasonableness) affirms principles and moral views and conceptions of the good such that there is no sound justification from the person’s own set of beliefs to the public principles in question, or there is, but the person reasonably fails to spot it.

Jeremy Waldron gives appealing expression to the ideal of political liberalism characterized this way. He asserts that “the liberal individual confronts his social order *now*, demanding respect for the existing capacities of his autonomy, his reason, and his agency.” On Waldron’s view especially, a morally proper respect for persons requires respect for their actual exercise of their rational agency capacities. These might be limited, but then, so are everybody’s.

None of us is a rational archangel. Hence, respect for persons requires respect for their rational agency and this respect must manifest in some deference to their considered, deeply held values, however misguided they might seem to me or to you.

However, once we accept that being less than fully responsive to the reasons there are qualifies as reasonable enough, there is no limit to the substantive badness of the beliefs and values that reasonable persons might already hold. So there is no limit to the substantive badness of that to which this version of political liberalism bids me to defer. Deference to excusable, understandable, there-but-for-the-grace-of-God-go-I error is morally mistaken when anything morally consequential is at stake. As a being that possesses some rational agency capacity, I am at the deepest level already committed to allegiance to the right and good, as these notions are singled out by the balance of moral reasons. Deferring to my mistakes, errors, and prejudices when these are leading me seriously astray is not respecting me as the limited partially rational agent I am. So far as I can see, this point holds for controversial ideas of the good as well as for controversial ideas of the right.

NOTES

ⁱ. My understanding of the neutrality norm owes a lot to works by Charles Larmore and Joseph Raz. See Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987); also Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996). See also Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986). Larmore acknowledges a debt to two earlier works, Ronald Dworkin's essay "Liberalism," reprinted in his collection *A Matter of Principle* (Cambridge, MA: Harvard University Press,

1985) and Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980).

ⁱⁱ . Adding an extra controversial element to the neutrality norm would make arguing against it easier. Since my aim is to raise doubts about the acceptability of neutrality, considering a weaker version of it makes sense.

ⁱⁱⁱ In his review of *A Theory of Justice*, Thomas Nagel observes that he interprets Rawls “as saying that the principles the principles of justice are objective and interpersonally recognizable in a way that conceptions of the good are not.” Nagel, “Rawls on Justice, *Philosophical Review* 82 (1973), 228.

^{iv} On Lockean libertarianism, see Robert Nozick, *Anarchy, State, and Utopia* (New Yorks: Basic Books, 1974). See also A. John Simmons, *The Lockean Theory of Rights*.

^v . My descriptions of moral claims and claims about the good life assume a cognitivist framework in which such claims can be true or false. I suppose some such framework is common ground between the neutrality advocate and her critics. I’m not sure how the issue would be reconfigured if reformulated in a noncognitivist framework.

^{vi} On Objective List accounts of good, see Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), appendix.

^{vii} . John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, rev. edition 1998); Rawls, *Political Liberalism* (New York, Columbia University Press, 2nd edition, 1996). See also John Rawls, “Justice as Fairness, Political Not Metaphysical” (1985); Rawls, “The Idea of an Overlapping Consensus” (1987) ; Rawls, “The Domain of the Political and Overlapping Consensus” (1989); and Rawls, “The Idea of Public Reason Revisited” (1997). All of these essays are reprinted in John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999).

^{viii} . Rawls, *Political Liberalism*, p. 136. The statement of the legitimacy ideal in the text differs in a nontrivial way from Rawls's formulation. In Rawls's formulation, the legitimacy ideal only applies to constitutional questions and basic matters of justice. Beyond these matters, it suffices that political power is exercised in accordance with the procedures specified in a just constitution. I set aside the complexities this formulation introduces that my formulation ignores. I don't believe they affect any arguments I go on to make.

^{ix} In addition to the works of Rawls cited in note 8, see Burton Dreben, "On Rawls and Political Liberalism," and Charles Larmore, "Political Liberalism," both in Samuel Freeman, ed., *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003).

^x . Rawls, *Political Liberalism*, p. 137.