

Disagreement and Political Liberalism

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1 Introduction

The fundamental problem of political legitimacy: how is legitimacy possible under conditions of disagreement about, well, *everything*?

Political liberalism answers: governments can only permissibly act on the basis of reasons that every reasonable person could accept. Moral respect for each other as free and equal—or some other moral foundation—requires that we justify ourselves to you.

Fabienne Peter: “public justification is necessary for political legitimacy, but not because of some antecedent moral principle” (2013, 604)—but because of epistemology! (See also Barry 1995; Leland and Wietmarschen 2012; Liveriero 2015.)

Deeper background question: what’s the connection between disagreement in epistemology, and disagreement in political philosophy?

2 The Epistemic Argument

Here is the master argument I’ll be concerned with (cf. Enoch ms):

- (A) EPISTEMIC PREMISE. If S believes that *p*, and there is a reasonable disagreement about *p*, then S is not justified in believing that *p*.
- (B) NORMATIVE PREMISE. If it is legitimate for S to coerce T on the basis of S’s belief that *p*, then S’s belief that *p* needs to be justified.

- (C) If S believes that *p*, and there is reasonable disagreement about *p*, then it is not legitimate for S to coerce T on the basis of S’s belief that *p*. (from A, B)
- (D) EMPIRICAL PREMISE. There is reasonable disagreement about fundamental metaphysical and religious matters, conceptions of the good life, and so on.
- (E) It is not legitimate for governments to coerce citizens on the basis of fundamental metaphysical and religious beliefs, conceptions of the good life, and so on. (from C, D)

If true, this would be a very powerful argument.

The Epistemic Premise

The epistemic premise expresses a generic version of a *conciliatory* view in the epistemology of peer disagreement (e.g., Elga 2007). According to conciliatory views, we ought to revise credence in our beliefs in the face of a peer disagreement.

A *peer* is someone who is as likely as we are to get it right regarding some subject matter. A paradigm case: disagreeing about the bill.

Instead of justified belief, we might also focus on other kinds of privileged epistemic status (Enoch): e.g., knowledge, certainty, etc.

The Normative Premise

The normative premise expresses a *belief-dependent* principle of legitimacy. We can only act on certain beliefs if we are reasonably certain in our beliefs. Example: the bike thief.

Initial Responses

Some possible replies:

1. Against the Epistemic Premise: Conciliationism is false, a *steadfast* view is right (e.g., Enoch 2010)
2. Against the Normative Premise: Legitimacy is not belief-dependent, and perhaps more generally, not mind-dependent
3. An Internal Inconsistency: Political liberalism is meant to be a reply to reasonable pluralism, but if the Epistemic Premise is true, there is no reasonable, lasting pluralism (e.g., Mendus 2002)

These are all promising lines of attack. However, there are also two more fundamental problems with the epistemic argument which have been overlooked.

3 A Fundamental Mismatch

Every justificatory view must answer the question of scope: *to whom* is justification due?

Reasonable Disagreement

Three sets of conditions to count as *reasonable*:

1. Motivational conditions—e.g. “willingness to propose fair terms of cooperation and to abide by them provided others do” (Rawls)
2. Substantive conditions—e.g., regard others as free and equal persons
3. Epistemic conditions—e.g., be reasonably informed and competent in processing information.

A *reasonable disagreement* between two parties is one in which both fulfil all three conditions.

The Mismatch

Being in a peer disagreement is neither necessary nor sufficient for being in a reasonable disagreement.

1. Against necessity: Anne, the well-informed psychologist, and her well-meaning neighbour, Bertram
2. Against sufficiency: Celine, the expert economist, and her colleague Diego, the cold-hearted bully

Impact on the Epistemic Argument

The epistemic premise (A) is only plausible with regard to peer disagreement. So the epistemic argument actually delivers not (C) but

- (C*) If S believes that *p*, and there is *peer* disagreement about *p*, then it is not legitimate for S to coerce T on the basis of S’s belief that *p*.

This gets the scope of political liberalism wrong.

We might call (C*) *epistemic liberalism*. Epistemic liberalism is closer to an epistocratic ideal of justification. This very far away from the ideas motivating political liberalism.

4 Two Types of Moral Requirement

Compare

- duty 1: don’t pollute the river, it will kill the fish!
duty 2: don’t take my teddy bear, I love it!

There is a difference between these two duties (e.g., Thompson 2004). Duty 1 is *monadic* or *undirected*: it's not addressed to anyone. Duty 2 is *bipolar* or *directed*: it's owed to me.

Content and Structure

A moral theory gets the *content* of morality wrong if it doesn't get the content of our duties right. A moral theory gets the *structure* of morality wrong if it doesn't get the directedness of our duties right. (Cf. Southwood 2010 in a different context.)

The epistemic argument commits the latter error:

1. the duty of public justification is a directed duty—it is owed to others
2. the duty described in the normative premise is an undirected duty—it is not owed to anyone

Thus, even if the epistemic argument gets the content of political liberalism right, it doesn't get its structure right.

Epistemic Injustice?

Fricker (2007): we commit injustices by failing to respect others “in their capacity as a knower”. The example of the seminar discussion.

However, ignoring someone *merely* as a peer doesn't look itself like an epistemic injustice. But even if it is one, it doesn't bear the right kind of urgency.

5 Concluding Remarks

Summary: two mismatches, peer/reasonable and directed/undirected. Even if the initial problems with the epistemic argument can be fixed, what we get (epistemic liberalism) is very different from what we want (political liberalism).

Is epistemic liberalism independently appealing? No. A hint: recognition (of autonomy) respect versus appraisal (of other people's knowledge) respect.

A final suspicion: what's *epistemically* relevant about disagreements, what's *morally* relevant about disagreements, and what's *politically* relevant about disagreements differs dramatically.

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