

Is Liberal Legitimacy Utopian?

My purpose here is to propose a solution to a worry about the liberal principle of political legitimacy¹ (LPL hereafter). The LPL, broadly stated, is that political power in a given polity is legitimate only when exercised in accordance with principles all reasonable citizens in that polity can accept in conditions of freedom and equality². It follows, according to many liberal theorists³, that the state should not justify its actions by reference to controversial philosophical or religious doctrines. What follows here is essentially a defense of Rawlsian ways of thinking about liberal legitimacy, but I suspect that the objection in question has a broader range than Rawls, so the remedy I suggest may be equally ecumenical.

¹Christopher Wellman provides a neat statement of the general problem of political legitimacy. I won't try to improve upon it. "Political states coerce those within their territorial borders; if you are in country X, X threatens to punish you if you disobey its legal commands. An account of political legitimacy explains why this coercion is permissible. In doing so, it explains why the state has a right to coerce its citizens and, correlatively, why its citizens have no right to be free from this coercion" (1996, 212).

²I'll be focusing in the following paragraphs on John Rawls' conception of the LPL, but endorsement of some version is common to liberal theorists: e.g. Gerald Gaus, "Liberals insist that . . . political principles are justified if and only if each member of the community has reason to embrace them" (1991, 251); Jeremy Waldron, "[L]iberals are committed to . . . a requirement that all aspects of the social order should either be made acceptable or be capable of being made acceptable to every last individual" (1987, 128); Thomas Nagel "The task of discovering the conditions of legitimacy is traditionally conceived as that of finding a way to justify a political system to everyone who is required to live under it" (1991, 3).

³Joseph Raz is an especially notable exception

The worry I have in mind is that the LPL is utopian. And what is it for a political theory of any sort to be utopian?⁴ When David Reidy recently charged Rawls' variety of liberal legitimacy with utopianism, he claims that the LPL requires what simply cannot be done. It is not that the LPL requires what cannot be extracted from the "motivational set" of a typical human being. Instead, so the objection goes, the LPL requires that we justify political power exclusively by reference to political principles that don't exist: i.e. political principles that none of our fellow citizens can reasonably reject.⁵ I will argue here that the LPL is not utopian in this sense—or, more precisely, I will sketch an interpretation of the LPL on which it is not. It seems to me that both proponents and critics of the LPL tend to pay insufficient attention to the various available senses of *reasonable*, and which of these senses is best suited to the task of political justification. The interpretation of the LPL I offer here is the beginnings of an attempt to disambiguate the *reasonable* for this purpose. But first, I will offer in the following section a brief account of Rawls' political liberalism in order to motivate the next section, which details the way in which the LPL might be thought utopian in the sense specified above. In the third section, I will present the promised account of the

⁴ Thomas Nagel has said that a political theory is "utopian in the pejorative sense if it describes a form of collective life that humans, or most humans, could not lead and could not come to lead through any feasible process of social and mental development" (1991, 3). Reasonable people, he goes on to say, "cannot be motivated to live" by such theories (1991, 21). So, Nagel has in mind here the limits of human motivation: the requirements of some political theories are achievable only for agents very different from human beings, perhaps beings who could lead lives of complete surrender to what Nagel calls "the impersonal standpoint". While avoiding this variety of utopianism is no doubt a central desideratum of liberal theory, the objection I have in mind here is something more serious.

⁵ This obviously presupposes a different formulation of the LPL than that given at the beginning of the paper. The reason for the switch will be explained below.

politically reasonable, and connect this account to some central themes in Rawls' own discussions of liberal legitimacy.

I

It is well known that John Rawls' work after *Theory of Justice* was increasingly concerned with questions of political stability and legitimacy. Contemporary democracies are characterized by what Rawls called a "pluralism" of "reasonable comprehensive moral and religious doctrines"⁶. A citizenry left to reason freely about matters moral, philosophical and religious will never achieve consensus on these fronts⁷. And why? Human judgment, says

⁶ Comprehensive doctrines—at least in the paradigm cases—are attempts to provide a complete vision of the best kind of life for humans. Paradigm cases, according to Rawls, may be secular or religious—e.g. Unitarians and the Utilitarians both may count as devotees of comprehensive doctrines. He believed that this reasonable pluralism is an unavoidable result of the scheme of basic liberties required by his first principle of justice: "Each person is to have an equal basic right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (1971, 250; 302).

⁷ "A modern democratic society is characterized not simply by a pluralism of religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines. No one of these doctrines is affirmed by citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all, citizens. Political liberalism assumes that, for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime" (1996, xvii; see also 135 and 216-217). See also 1999, 474. I will say in passing that it is not clear to me that all reasonable citizens must affirm permanent pluralism of the sort Rawls envisions. Imagine the case of a devout Catholic who believed in the eventual triumph of the Catholic Church over all competing doctrines, but who believed that rational persuasion was God's chosen means to this end and, furthermore, was

Rawls, is “burdened”. Even if vicious causes of philosophical and religious dissensus were rooted out—unreason and ignorance, greed and partisanship—agreement among free citizens on such matters is not to be expected. Why? Because, says Rawls, the evidence that might decide between (e.g.) Secular Humanists and Southern Baptists is “conflicting and complex” and therefore “hard to access and evaluate”. Even when we have identified the considerations and values that matter, there is yet the problem of how to weigh them, and the concepts that figure in such discourse are “vague and subject to hard cases”. Furthermore, the different lives we lead, our wildly various “total experiences”, generate innumerable perspectives from which the hard questions of philosophy and religion might be evaluated. The upshot: “[Many] of our most important judgments are made under conditions where it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion” (1996, 58). Yet in spite of this insistence on permanent disagreement, much of his later work was spent spelling out and defending a conception of political legitimacy that apparently requires widespread *agreement* among these very citizens: the LPL, which on one formulation states that

the exercise of political power is fully proper only when exercised in accordance with a constitution the essentials of which 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 (1996, 137).⁸

committed to political principles that did not presuppose the acceptance of Catholic dogma. It is not obvious that such a citizen is unreasonable, at least for political purposes.

⁸ In my view, the LPL is at best a necessary rather than a sufficient condition on political legitimacy. And why will not the LPL do as a stand-alone criterion of political legitimacy? if, as Allen Buchanan has it, “an entity is

So, on Rawls' notion of political legitimacy, it is morally permissible to throw the coercive power of the state behind a constitution only when everyone under its sway can endorse it (in some sense of endorse). Of course, Rawls claims we must never expect all of our fellow citizens to endorse our favored comprehensive doctrines, reasonable though they be. This is the essence of why principles rooted in such doctrines—e.g. “The Holy Scriptures are the final authority for all matters of belief and practice”—are never an appropriate basis for state coercion. However reasonable our own commitments, we can be sure that they do not square with some other reasonable comprehensive doctrine alive and well in our society, given the fact of reasonable pluralism. If, then, the exercise of political power is to count as morally appropriate, it must be grounded in principles that *do*, in fact, square with the reasonable comprehensive doctrines going here and now. The difference between principles that properly ground the exercise of political power and principles rooted in reasonable comprehensive doctrines, by the LPL, must be that we may reasonably expect reasonable citizens to accept the former. (Perhaps because they cannot reasonably reject them.) Thus, the possibility of legitimate political power apparently depends, for Rawls, on the existence

politically legitimate” only when “the agents attempting to wield political power in it are morally justified in making, applying, and enforcing rules (and doing so *monopolistically*)” [italics mine] (2002, 689-690) the LPL can only be a partial answer to the question of when entities are so justified. It is difficult to see how the mere fact that some governing entity was organized in accordance with the LPL could grant that entity a monopoly on political power. Suppose there were two such entities competing within a territory, both equipped with constitutions regulated by the LPL. The LPL itself would not therefore be able to decide which of the two could rightfully claim exclusive political power. This said, even if the LPL is not a sufficient condition on legitimate state coercion does not, to my mind, give us reason to think it unimportant; indeed, even if we give up the LPL as a *necessary* condition on political legitimacy, its standard might remain an important element of the best kind of states.

of political principles that stand apart from all that reasonable citizens reasonably disagree about in free societies.

II

This insistence on agreement from amongst permanent disagreement provides the matter for the following objection from David Reidy:

What I want to argue here is that the fact of reasonable pluralism, the very fact that led Rawls to theorize in close detail the legitimacy of coercive political authority within a liberal state, undermines the plausibility of his liberal principle of legitimacy, the principle meant to govern the legitimacy of coercive political authority in a liberal state. (2006, 244)

Reidy's argument against the LPL turns on an interpretation of what Rawls' calls the *reciprocity criterion* (RC). The LPL, in essence, is the RC applied to the problem of political legitimacy (1996, xlvi). There are various statements of this criterion in the Rawlsian corpus. Reidy summarizes as follows: "Reciprocity in justification requires persons, when interacting with others, to limit the principles from and in accord with which they act to principles they are prepared *in good faith to justify to others from a shared and appropriate moral point of view*" (2006, 249-250), where the "shared and appropriate moral point of view" is that of free and equal fellow citizens. So stated, the RC seems surprisingly permissive, especially when we identify what principles can be so justified merely with what our fellow citizens "can reasonably accept"—what Reidy calls the "weak" reading of the RC. It certainly isn't obvious why at least some political principles rooted directly in religious comprehensive doctrines might not pass this test as well. One can imagine a politically active Roman Catholic asserting that her theological objections to legalized abortion can be justified by reference to this "shared and

appropriate” moral point of view because *she* is reasonable, and *she* has accepted the relevant theology, therefore, any reasonable citizen may do so. So, Reidy concludes, the “weak” reading of the RC allows what Rawls is obviously concerned to disallow—coercion of our fellow citizens based on comprehensive doctrines. To avoid this result, it must be that when Rawls says that adhering to the RC binds us to terms of social interaction we “reasonably think” our fellow citizens “might also reasonably accept” and when “we sincerely believe that the reasons we offer for our political action may reasonably be accepted by other citizens as a justification of those actions” (1996, xlv – xlvii), he means that the RC (and thus the LPL) is constrained by a specialized notion of reasonable acceptance and reasonable rejection that political principles generated only by our comprehensive doctrines cannot meet. To secure this, according to Reidy, we must opt for a “strong” reading of the RC: political principles that can be justified “in good faith” to others “from a shared and appropriate moral point of view” must be invulnerable to reasonable dissent: “the consensus or common ground from which justification to others is to proceed” is given by what our fellow citizens “*could not reasonably reject (and therefore in some sense must or ought to affirm)*” (2006, 272).⁹

⁹ There are good reasons to think Reidy is right to formulate the RC this way—both internal and external to the task of Rawlsian exegesis. Interpreting the RC as a demand for principles that cannot be reasonably rejected accords well with Rawls’ claim of an affinity between his understanding of the reasonable and Scanlon’s “principle of moral motivation” (1982, 104f and 115f), which he summarizes as “the desire to be able to justify our actions to others on grounds they could not reasonably reject—reasonably, that is, given the desire to find principles that others similarly motivated could not reasonable reject” (1996, 49f). Such considerations aside, the strong reading of the RC seems necessary to avoid cases like the following from Fred D’Agostino (1996, 77) in which some agent possesses reasons for and against a course of action, or law, or policy. We can imagine

What is the upshot of the strong RC for Reidy's interpretation of the LPL? Reidy reminds us that disagreements come in (at least) two varieties: *simple* and *reasonable*. Simple disagreement is the spawn of "identifiable, reproachable and correctable failure of rationality or reasonableness on the part of one party or another to the disagreement". Reasonable disagreements, on the other hand, come from a "nonreproachable and ineliminable feature of or limit on the free and collective exercise of human reason, even by persons of high intelligence and manifest good will" (2006, 255) – i.e. the burdens of judgment. So, unless a principle can be rejected only as a result of *simple* disagreement, we cannot "reasonably" expect our fellow citizens "to endorse" it. In other words, unless our proffered principles are rejected by some fellow citizen only because that citizen is manifestly ignorant or vicious or both, the principle in question fails to meet the RC and thus the LPL.

The trouble, of course, is that interesting principles like this are very hard to come by.¹⁰ It certainly does seem downright dogmatic to maintain that reasonable people cannot choose Marxism or communitarianism or perfectionism over Rawlsian justice as fairness (or

a patriarchal government that seeks to justify itself to its subject women by appealing to the virtue of self-sacrifice. Given that many of these women accept self-sacrifice as a virtue, the patriarchal state in question might then conclude that even their female subjects have a reason to accept their regime and that their regime is thus legitimate. The strong reading of the RC excises this possibility. In spite of whatever reason the women in question may have to accept the regime, they obviously have reason to reject it and it is thus illegitimate.

¹⁰ Even principles about how to sort reasonable from simple disagreements seem like good prospects for disagreement among the reasonable. Indeed, Reidy claims that even the so-called "fact of reasonable pluralism" itself should not be regarded as invulnerable to reasonable dissent. Cannot a reasonable person believe that "reasonable pluralism is a temporary and historically bounded rather than a permanent fact of a free and open society" or that the consensus with which contemporary science has been blessed is "only apparent"—the product of "institutional forces and incentives" (2006, 259) extrinsic to scientific reasoning?

some other member of the set of generically liberal conceptions of justice). Of course, each of these alternate theories seems just as vulnerable to virtuous, reasoned dissent. The burdens of judgment behind Rawls' reasonable plurality of comprehensive doctrines seem no less active here than in matters religious or moral¹¹. Is the evidence that might decide between Rawlsian liberalism and its competitors, or between these competitors, really that much easier to weigh than the evidence that might decide between, say, consequentialists and non-consequentialists? Why should Roman Catholicism, contractarianism, utilitarianism and Unitarianism count as candidates for reasonable affirmation (and Rawls repeatedly asserts that they are) and yet communitarianism and perfectionism (et al.) be excluded from the ranks of the reasonable? Rawls would have to show that somehow the burdens of judgment that render religious and moral disagreements irresolvable are inoperative when it comes to endorsing liberalism over its competitors. This is certainly implausible.

So, in summary, Reidy claims that the LPL is utopian and "wildly" so because it would legitimize political power only in a society where it was possible to locate principles we cannot reject without running palpable afoul of reason. But it is just as reasonable to expect reasonable dissent from political doctrines as it is to expect reasonable dissent from "comprehensive doctrines"; just as there is no comprehensive doctrine we may reasonably expect all our fellow citizens to endorse in the light of principles and ideals acceptable to their common human reason, there is no political doctrine we may reasonably expect all our

¹¹ Of course, Reidy is not the only critic of Rawls to complain along these lines. George Sher, with an eye to the promotion of perfectionism, insists that Rawlsian liberalism "violates the spirit, and perhaps also the letter" of its own requirement that "no adequate theory of justice can be based on any controversial moral or philosophical doctrines" because Rawls' own theory contains "controversial moral and philosophical doctrines" (1997, 84-85).

fellow citizens to endorse in the light of principles and ideals acceptable to their common human reason. If human reason is burdened, it is burdened here as well. Therefore, the LPL requires what cannot be actualized in societies like ours.

There are the makings here of (at least) two objections to the Rawlsian project: (i) one might object that Rawls' theory of justice is a possible object of reasonable disagreement, and thus cannot itself be legitimately enforced; (ii) one might object that the constellation of available political principles contains none that cannot be reasonably rejected, or at least an insufficient stock of such principles to underpin a workable constitution. While Reidy clearly has the first objection in mind; at certain points he talks as if he intends the second as well. Of course, only the second objection is necessarily damaging to the LPL itself. Even if the first objection holds, it might be that we should retain the LPL and jettison those aspects of Rawlsian liberalism that cannot be legitimately enforced. At any rate, my arguments below can be considered a reply to both.

III

Reidy's interpretation of Rawls' notions of reciprocity and the reasonable, with their upshot for the LPL, is itself reasonable.¹² Rawls often talks as if political principles are appropriate only when they are beyond the reach of reasonable dissent. For example, his discussions of what reasons for political action democratic citizens may reasonably expect their fellow citizens to accept—i.e. of *public* reasons—certainly favors Reidy's take on the RC. Rawls often claims that public reasons are such that rejecting them puts the rejecter at

¹² It may be that the "burdens of judgement" apply also to the question of how to interpret Rawls! After all, Samuel Freeman has claimed that a lucid doctrine of the reasonable is simply not to be extracted from the Rawlsian corpus (See Freeman, 1999, 31).

odds with common sense,¹³ that reasons are suitably public, and thus grounds for legitimate coercive action by the state, when their status as reasons is all but unassailable, epistemically speaking. Again, all of this suggests that we interpret the RP and LPL as Reidy suggests. Even so, I believe the Reidy's interpretation of the RC and the LP, and the Rawls represented in this paragraph, does justice neither to the complexity and promise of a right understanding of the reasonable in politics nor the depth and breadth of Rawls' own doctrine of reciprocity. In this section I will try to show how an excavation of both provides resources for a [by my lights] decisive response to the charge that the LPL cannot be applied and therefore cannot be binding.

The *reasonable*, even in ordinary, workaday use, has more than one sense. Sometimes we speak of the reasonable as a good-making epistemic feature: e.g. "Her conclusions were reasonable, given the evidence." Sometimes we speak of reasonable deeds: "It isn't what I would've done, but Steve was in a tight spot—his reaction was reasonable". And, of course, there is the teleological sense of *reasonable* we use to speak of reasonable agreements or reasonable terms, as when two or more parties with divergent interests seek to cooperate toward some end: "Satisfied that his offer was reasonable, she at last agreed to sell the pistols, priceless heirlooms though they were." In the following paragraphs I will refer to the

¹³ For example, Rawls claims that public reasoning shares the "methods and ways of reasoning I assume to be familiar from common sense and to include the procedures and conclusions of science, when these are well established and not controversial" (1999, 324); public reasons are limited to "the shared methods of, and the public knowledge available to, common sense" (1999, 429) and "plain truths now widely accepted" (1996, 223); we demonstrate the "the virtues of reasonableness and fair-mindedness" when we justify coercive policies by "adherence to the criteria and procedures of commonsense¹³ knowledge and to the methods and conclusions of science when not controversial" (2001, 92).

first sense of *reasonable* as “reasonable_E” (‘E’ for *epistemic*) and the last as “reasonable_C” (‘C’ for *cooperative*) as these are the two senses that will concern me for the remainder of the paper.

It is clear that these two senses of *reasonable* come apart. So, for example, we cannot always conclude from the fact that some agent is reasonable_E that she is reasonable_C as well. We need only to imagine (or remember) that bright and talented coworker who was nevertheless a liability when it came to coordination and cooperation. Furthermore, the fact that some proposition can be reasonably_E rejected does not entail that it can be reasonably_C rejected. Consider: it is clear that what Rupert Murdoch could reasonably expect to pay or what the Bancroft family could reasonably expect to receive as payment for *The Wall Street Journal* was not only a matter of the epistemically reasonable beliefs either party may have had about what the paper was worth. The *reasonable* in this context is a function of pursuing a particular goal: reaching a price acceptable to both parties. Of course, there is the epistemic sense in which Murdoch or the Bancrofts may have possessed reasonable beliefs about the value of *The Wall Street Journal* in isolation from this goal; but this does not exclusively determine the standard of reasonability operative in their dealings with each other. Both parties would fail to be reasonable_C if they expected the other to pay or accept as payment just what they believed the newspaper to be worth, regardless of how reasonable_E these beliefs may have been on either side. Let’s suppose there is a range of propositions it is reasonable_E to affirm relative to the value of *The Wall Street Journal*. Suppose the Bancroft family affirms proposition *B* and Mr. Murdoch affirms proposition *M*, where each proposition is of the form ‘*X* is a good selling price for *The Wall Street Journal*’, within this set of reasonable_E propositions. Now, the fact that *B* and *M* are within the set of reasonable_E propositions may increase their chances of counting as reasonable_C as well—after all, it may

often be the case that a patently unreasonable_E assertion about the value of X will be rejected outright as a reasonable_C offer or counter-offer—but it is no guarantee. In fact, many such negotiations end with both parties accepting and regarding as reasonable_C a selling price where the value for X is other than that assigned in *B* or *M*, and thus reasonably_E rejectable by either party even though reasonable_C. This is because the question at hand is not primarily “What beliefs are epistemically reasonable about the value of *The Wall Street Journal*?” but “What are reasonable terms for the sale of *The Wall Street Journal* by the Bancroft family to Rupert Murdoch?” Certainly, it is no failure to be reasonable_C if Murdoch or the Bancrofts does not identify reasonable_C terms merely with what the other party will accept apart from the need to find terms acceptable to both. Obviously, Murdoch would accept terms on which he pays nothing and the Bancrofts would accept terms on which Murdoch hands over his empire, but this is irrelevant. So, it seems clear at least in cases like this, that what is reasonable relative to cooperation and coordination with others does not always track what is reasonable considered only in relation to the epistemic qualities of individual beliefs and believers.

Of course, it might be that the reasonable_C comes apart from the reasonable_E in the above case simply because human judgment, assumedly, is not burdened with respect to the value of newspapers. So, here’s a case where the two senses come apart which is perhaps more analogous to the position of citizens trying to cooperate under the burdens of judgment. Imagine a family that survived together a plane-crash in the Sahara. None have any knowledge of navigation. If they stay where they are they will die of thirst and exposure, but they disagree amongst themselves about which way to go. Because they are a family, none wants to abandon the others in order to follow their own best guess. Now, the following seems to me obvious about their situation: their judgment—both individual and

collective—is burdened with respect to which way to go; so, given their situation, there is no uniquely reasonable (in the epistemic sense) answer to the question of which way to go, i.e. none which cannot be reasonably_E rejected. Any of them might remain epistemically reasonable and reject any proposal by some other family member with regard to this question. Nevertheless, it is clearly the case that there might be an answer to the question of what they ought to do that none could reasonably_C reject, given their shared goal of staying together and surviving together: perhaps they might agree to abide by the result of a series of coin tosses. While such an utterance sounds odd, each member of the family might say and truly, “This is not the most reasonable course; nevertheless, it is reasonable for us to abide by the result of the coin toss” where the first ‘reasonable’ is reasonable_E and the second reasonable_C.¹⁴

That we should conceive of the task of formulating political principles as governed by the reasonable_C instead of merely the reasonable_E follows, I believe, from what David Schmidtz has called “Rawls’s most central, most luminously undeniable point . . . what is fundamentally right (even beautiful) in [his] grand vision” (2006, 196)—that a free society

¹⁴ It should be clear that I do not intend that the reasonable_C in general should be “[divorced] from our epistemic standards – our ideas of what constitutes good evidence, sound reasoning, relevant objections and so on” (Gaus; 2003, 142. See also 1997, 224-225). I have claimed here only reasonable cooperative principles may be formulated even when “good evidence” and “sound reasoning” are indecisive for whatever reason. Neither is the reasonable_C embodied merely by the “fair-minded” or “tolerant”—Gaus’ characterization of what it would mean to make a distinction for political purposes between the reasonable_C and the reasonable_E. On this characterization, “Reason has become relativized and all tolerant people give, by definition, good reasons” (2003, 143). On the view I have sketched here, good political reasons are relativized not to individual people, however tolerant, but to a particular shared goal.

should be a “fair system of cooperation” between free equals¹⁵. The realization of such a society just is the goal that determines the politically reasonable. Despite the fact, as canvassed above, that his work post-*TOJ* sometimes obscures this, Rawls explicitly states from his earliest discussions of political legitimacy that it is cooperative, not merely epistemic reasonableness that is central to the legitimacy of political arrangements:

I should emphasize that what I have called the “real task” of justifying a conception of justice is not primarily an epistemological problem. The search for reasonable grounds for reaching agreement rooted in our conception of ourselves and in our relation to society replaces the search for moral truth interpreted as fixed by a prior and independent order of objects and relations, whether natural or divine, an order apart and distinct from how we conceive of ourselves. The task is to articulate a public conception of justice that all can live with who regard their person and their relation to society in a certain way. And though doing this may involve settling theoretical difficulties, the practical task is primary. (1999, 306)

That this conception of justice may be rejected by those who do not “regard their person and their relation to society in a certain way” would not seem to count against it. Fundamentally, such persons regard themselves as rational and reasonable—that is, concerned not only to advance their own conceptions of the good, but possessed of the desire for “a social world in which they, as free and equal, can cooperate with others on

¹⁵ So, the politically reasonable is not the mere willingness to compromise with whomever. Neither is it the willingness to compromise merely with those who are themselves willing to compromise. The politically reasonable is constrained as it is by the goal of social cooperation between free equals; therefore, it does not demand that we split the difference with patently unreasonable citizens—neo-Nazis, theocrats, etc—who do not share this goal. Thanks to Bruce Russell for pressing me for clarification on this point.

terms all can accept” (PL, 50). Unlike what Rawls calls the *rational*, which “applies to a single, unified agent . . . in seeking ends and interests peculiarly its own” (PL, 50), the reasonable is a standard of cooperation within similarly motivated groups. So, the RC and the LPL demand that we justify the political principles that constrain the basic structure not to all who are epistemically reasonable, but to all who share with us the desire to “find principles that others similarly motivated could not reasonably reject”. What can be rejected in the absence of this motive is not strictly relevant.

In summation, suppose we grant that the burdens of judgment that generate disagreement *in perpetuum* about matters religious and philosophical extend to all possible political principles and even to the LPL as well. This is certainly plausible. Suppose that among all possible political principles from which a constitution might be drawn, there is *none* that will ever command universal assent from the epistemically reasonable. Does it follow that the LPL is wildly utopian? No, it does not. What must be shown, and what has not been shown to the best of my knowledge, is that there are no political principles (or too scant a set) to form the basis of social cooperation among those who are reasonable_c in the sense identified above. Such terms might remain reasonable in the appropriate sense even if any member or members of the society could remain epistemically reasonable and reject them. What is reasonable in this context, again, is a function of forging terms of social cooperation, and citizens may agree that such terms are reasonable *given this goal* even when they think the terms in question are less epistemically reasonable than some alternative *considered in isolation from this goal*. So, in order to show that the liberal principle of legitimacy is unacceptably utopian, it is necessary to show more than that no political principles are immune to reasonable dissent. The liberal loses nothing by admitting that disagreements between liberals and Marxists, communitarians, et al., are eminently reasonable, when the

reasonability in question is merely epistemic and considered apart from the task of forging fair terms of social cooperation.

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