

THE REASONABLENESS OF REASONABLE DISAGREEMENT

Christopher McMahon

It is common to hear that moral issues, especially issues of political morality, admit of reasonable disagreement. But there has been surprisingly little discussion by philosophers of how reasonable disagreement is to be understood. Rawls's makes a place for reasonable disagreement among comprehensive doctrines in the ideal liberal polity that he describes in *Political Liberalism*, and as we shall see, his general approach to reasonable disagreement can be given wider application. But more needs to be said.

The phenomenon of reasonable disagreement is puzzling. We are envisaging a dispute of some kind, in which the positions taken by the parties disagree. In the simplest case there are two parties, and one affirms what the other denies. On a standard understanding of disagreement, it is not possible for both positions to be correct. That would violate the law of non-contradiction. Yet when we characterize the disagreement as reasonable, we seem to be affirming that although it is not possible for both positions to be correct, both can be reasonable. That is, we seem to be affirming that a position taken in a dispute can be reasonable even though it is incorrect. One task that we confront in investigating the possibility of reasonable disagreement is explaining how this could be the case.

But we should also consider another way of interpreting reasonable disagreement. It may be that in certain cases where we speak of reasonable disagreement, it is actually possible for both positions to be correct—that is, they do not, strictly speaking, contradict one another—but some other feature of the situation justifies us in speaking of

disagreement. I believe that disagreements about the fairness or unfairness of cooperative arrangements can take this second form, and most of the paper is concerned with investigating this possibility. But I shall begin with the first interpretation, according to which it is not possible for both positions to be correct, focusing in this instance as well on disagreements about the fairness of cooperative arrangements.

I

In the simplest case of a disagreement about the fairness of a cooperative arrangement, one party judges a given way of organizing the arrangement to be fair and the other party judges that way of organizing the arrangement to be unfair. We can make the issue here more precise. A cooperative arrangement will put into effect a particular *cooperative scheme*, where a cooperative scheme is a specification of what each participant will do and what each will get if all do what they are supposed to do. The dispute then concerns whether an actual or proposed cooperative scheme is fair or unfair. We are now focusing on the case where only one of the judgments can be correct. Given this, how could both be reasonable?

To investigate this question, we must go into more detail about reasonableness. I have been speaking of the reasonableness of the positions taken, but I believe that the reasonableness of the positions taken a dispute is best understood as derived from the reasonableness of the people taking the positions. A reasonable position is a position that a reasonable person can take. This leaves us with the question of what makes a person reasonable.

Rawls says that “the concept of the reasonable, ... whether applied to persons, institutions, or doctrines, easily becomes vague and obscure.”¹ I believe, however, that it is possible to distinguish two principal ways that a person can be reasonable, two kinds of reasonableness that a person can possess. In the first place, a person can be reasonable in the *competence sense*. To be reasonable in the competence sense is to reason competently, which I understand to mean reasoning in a way that manifests the proper functioning of the capacities engaged. This is the kind of reasonableness at issue when we speak of a reasonable conclusion. A reasonable conclusion is one that could be obtained by competent reasoning. Alternatively, a person can be reasonable in the *concession sense*. This sort of reasonableness is restricted to cooperative contexts, and is concerned with setting the terms of cooperation. One is reasonable in this sense when one is prepared to make concessions from one’s most preferred way of organizing a particular cooperative arrangement, provided the other actual or potential participants are prepared to do this as well. When we urge someone to “be reasonable,” it is typically reasonableness in the concession sense that is at issue. We are urging him to make a concession.

Both kinds of reasonableness have a role to play in the characterization of reasonable disagreement, but for the investigation of the case where only one of the positions taken can be correct, reasonableness in the competence sense is the most important kind of reasonableness to consider. The problem we face, in a case of that kind, can then be formulated as the problem of explaining how, when only one of the positions taken in a dispute can be correct, both can be understood to be competently reasoned.

We reason in the basis of reasons or evidence. There may be cases where, although the question being investigated has a single correct answer, different components of the available evidence, or different relevant reasons, are in the possession of different members of a group of investigators. As a result, when they reason competently on the basis of the evidence or reasons in their possession, they come to incompatible conclusions. But presumably in a case of this kind, the members of the group, if reasoning competently, will pool the reasons or evidence that they separately possess. If this body of reasons or evidence provides conclusive support for an answer to the question being investigated, competent reasoning will not be compatible with disagreement. The competently reasoning members of the group must converge on that one answer. By contrast, if the same body of reasons or evidence is in the possession of all the members, and it is not conclusive, it seems that they should, as competent reasoners, suspend judgment. This presupposes that when the available evidence or reasons or evidence are not conclusive, a competent reasoner will be able to determine this. But if all the parties suspend judgment, they will again not disagree.

It appears, however, that there is a usage of the term “reasonable” that marks an intermediate position which is available when the evidence or reasons are not conclusive. When the members of a group are reasoning jointly, and one of them proposes a particular conclusion that might be reached, the others, although not ready to accept that conclusion, may nevertheless be prepared to label it “reasonable.” Here the term “reasonable” marks the fact that although the available evidence is not conclusive, the judgment that has been made has *prima facie plausibility* in light of that evidence, and is in that respect a possible result of competent reasoning. In a case of this kind, there will

typically be an expectation that additional considerations will become available at a later time, which will make possible a final judgment on the matter. But what has been produced up to the present is taken to be sufficient to permit a preliminary assessment. That is, making a preliminary assessment is compatible with competent reasoning. For the term “reasonable” to be used in this way, however, the reasons or evidence supporting the answer, although not conclusive, must attain a certain threshold level of strength. Where the available evidence is weak, competent reasoners will suspend judgment

In a case of this kind, two judgments providing incompatible answers to a particular question can both be labeled reasonable. They can both possess prima facie plausibility in light of the available evidence. To put the point in terms of our example concerning fairness, a judgment of fairness and a judgment of unfairness can both possess prima facie plausibility in light of the available evidence. Indeed, it is typical of this use of the concept of the reasonable that when we characterize a conclusion as reasonable, we mean to leave open the possibility that other conclusions could have this status as well. But does this phenomenon—the possibility that incompatible conclusions can have prima facie plausibility in light of the available reasons or evidence--provide a basis for speaking of reasonable disagreement?

The use of the term “reasonable,” to mark prima facie plausibility in light of the available reasons or evidence typically possesses a further feature as well. Reasonableness is treated as admitting of degrees. Thus it may be said that one conclusion is more reasonable than another, or that a particular conclusion is the most reasonable one to draw in the circumstances. This way of speaking implies the existence of a threshold of strength of the sort that has been posited. At a certain point, the

plausibility of a conclusion in light of the available reasons or evidence is great enough, despite the possibility that further considerations will force revision, that affirmation of prima facie plausibility is possible for someone whose cognitive capacities are functioning properly. The conclusion can thus be judged reasonable in the distinctive sense we are now considering. But more than one conclusion may possess this feature, and some of these conclusions may enjoy stronger support than others. Given that the evidence is still not sufficient to justify the final acceptance of any of the conclusions, they continue to be characterized as reasonable. But some are judged more reasonable than others, and one may be judged the most reasonable.

These observations create doubts about whether reasonableness of the kind we are now considering—prima facie plausibility in light of the available evidence—can be understood as playing a role in reasonable disagreement. If the parties are in possession of the same reasons or evidence, and they are reasoning competently, it seems that their judgments concerning degrees of reasonableness should converge. They should either agree about which judgment has the greatest prima facie plausibility in light of the available reasons or evidence—about which is most reasonable--or they should agree that two or more judgments have the same prima facie plausibility. In neither case, then, would we have competently reasoned disagreement, disagreement among competently reasoning people.

But this is not the end of the matter. We have been assuming that different competent reasoners will respond to a given body of reasons or evidence in the same way. This suggests that we can understand reasonableness in the sense of prima facie plausibility as playing a role in reasonable disagreement if different members of a group

of investigators can, compatible with competent reasoning, reach different conclusions about what has prima facie plausibility in light of the available evidence, or different conclusions about what has the most prima facie plausibility.

The “burdens of judgment” that play a role in Rawls’s account of reasonable disagreement seem to provide one way of obtaining this result. Rawls describes the burdens as “hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life.”² His goal in introducing the burdens is to explain how disagreement among comprehensive doctrines can be compatible with competent reasoning. Various kinds of incompetent reasoning can result in disagreement. When the reasoning is moral, conflicting judgments may merely give voice to clashing personal or group interests, for example. Rawls’s burdens of judgment are meant to identify features of *competent* reasoning that can lead to disagreement.

The burdens include the vagueness of concepts, the difficulty of assessing evidence because of its complexity, differences in the weights that different reasoners assign to relevant considerations, the fact the considerations on both sides of an issue may be equally forceful, the fact that a given set of institutions may not be able to accommodate everything we regard as valuable, and the fact that the way we assess evidence and weigh values is shaped by our total life experiences, which inevitably differ.³ Because of these phenomena, competent reasoners, people whose reasoning manifests the proper functioning of human cognitive capacities, can be led to incompatible conclusions. In making this proposal, Rawls is concerned with reasonable disagreement among comprehensive doctrines, but the burdens he cites can play a role in reasoning of all sorts.

We can understand Rawls's burdens of judgment as operative in contexts where reasonableness in the sense of prima facie plausibility is at issue. We have been concerned with how competent reasoners can make judgments of prima facie plausibility that disagree. It appears that, proceeding from a given body of reasons or evidence, competent reasoners should agree about which judgment is most reasonable—which has the greatest prima facie plausibility—or agree that incompatible judgments are equally reasonable. But if we understand the burdens of judgment as playing a role, we can make a place for competently reasoned disagreement about which judgment is most reasonable, or about whether judgments are equally reasonable. In this sense we can have reasonable disagreement about reasonableness, that is, competently reasoned disagreement about prima facie plausibility in light of the available reasons or evidence. This might manifest itself, for example, as disagreement about which conclusion is most reasonable.

This, I think, is the kind of case that we typically have in mind when we speak of reasonable disagreement, and we suppose that at most one of the conclusions can be correct. The available evidence is inconclusive but sufficient to permit judgments of prima facie plausibility, and the burdens of judgment make it possible for competent reasoners to reach incompatible conclusions about what has prima facie plausibility. Reasonable disagreement, understood in this way, would be expected to be a temporary condition. There would be an expectation that new reasons or evidence capable of establishing one of the conclusions as more reasonable than the others—or indeed, capable of finally resolving the issue—would eventually become available, in which case competent reasoners would converge in their judgments. But prior to that point, we would have a phenomenon that can appropriately be labeled reasonable disagreement,

competently reasoned disagreement about what is reasonable in the sense of possessing prima facie plausible in light of the available evidence. And this will be the case despite the fact that only one of the conclusions can be correct.

We should consider the extent to which Rawlsian reasonable disagreement among comprehensive doctrines can be understood in this way. He wants to leave open the question whether there is a single correct comprehensive doctrine, or to be more precise, he wants this to be an issue on which comprehensive doctrines themselves can differ. For doctrines which hold that there is a single correct comprehensive doctrine, reasonable disagreement among comprehensive doctrines should presumably be understood in the way we have been exploring. It should be understood as disagreement about which doctrine has the greatest prima facie plausibility. But for doctrines which hold that there is no single correct comprehensive doctrine, reasonable disagreement among comprehensive doctrines must be given a different interpretation.

II

This brings us to the second way of understanding reasonable disagreement that I have distinguished. On this approach, the situation is one in which both or all of the conclusions that have been reached can be correct—that is, they do not contradict one another—yet the people accepting them can nevertheless be understood as disagreeing. Our example of reasonable disagreement has been disagreement about the fairness of a particular way of organizing a cooperative arrangement. One party judges the mode of organization to be fair and the other judges it to be unfair. In exploring this second possibility, the first thing we need to consider is how a judgment of unfairness can fail to

contradict a judgment of fairness. This requires us to investigate reasoning about fairness in more detail. The general strategy will presumably be applicable to other cases where there is no single correct answer to the question being investigated, such as the case of disagreeing Rawlsian comprehensive doctrines, on the second interpretation just offered.

We are focusing on cooperative arrangements. On the view I favor, fairness in the context of a cooperative arrangement consists in appropriate concession. The parties to a cooperative arrangement will hope to achieve different goals by participating in it, and because the goals are different, it will not be possible for all of them to fully satisfy their goals. For cooperation to go forward, some must make concessions. The arrangement can be said to be fair when the pattern of concessions associated with its realization by the group is, or would be, appropriate. When fairness is understood in this way, there is a connection between it and reasonableness in the concession sense. We will return to this point later.

The most straightforward way of understanding a pattern of concessions as appropriate is to suppose that concession is equal. That is, the sacrifices in goal attainment that the parties make are equal. However, as Mill says about justice, fairness is best defined by its opposite, which is unfairness. Fairness is the absence of unfairness. We will have unfairness when there are *disparities of concession* within the cooperating group. A group seeking to secure cooperation on a fair basis will often proceed by identifying disparities of concession in an actual or proposed cooperative scheme and considering how they might be eliminated. This presupposes some way of measuring concession, but for our purposes here we can suppose that such measurements are possible.

We are concerned with how, in a case when one party to a cooperative arrangement judges it fair and another judges it unfair—when one judges the pattern of concessions to be appropriate and the other judges it to be inappropriate--both judgments can be correct. We cannot get this result if we adopt a realist metaethics of fairness, according to which fairness is a response-independent normative property that can be possessed by a cooperative arrangement. On a realist metaethics of fairness, there will be a single correct answer to a question of fairness, and the results obtained earlier concerning this sort of case will continue to apply. To get the possibility that both positions can be correct, we must adopt an anti-realist metaethics according to which fairness and unfairness are response-dependent properties of cooperative arrangements. Then we can define correctness in terms of the response.

Of course if we proceed in this way, we must specify the response. But if we understand fairness in the way proposed, as appropriate concession in the context of a cooperative arrangement, a natural candidate emerges. We can suppose that all humans whose *motivational* capacities are functioning properly will be cooperatively disposed, where a cooperative disposition is understood to contain as a component a disposition to respond to perceived disparities of concession by making or seeking corrective concessions. That is, we can suppose when a human whose motivational capacities are functioning properly perceives himself to be favored by a disparity of concession, he will be motivated to *make* concessions to those disfavored by it, and when he perceives himself to be disfavored by a disparity of concession, he will be motivated to *seek* concessions from those favored by it.

This proposal gives us a way of understanding an individual's sense of fairness. An individual can be said to sense *unfairness* when she perceives, or in some other way cognizes, a disparity of concession in an actual or proposed cooperative involving her, and this perception elicits motivation to eliminate the disparity by making or seeking a corrective concession. An individual senses *fairness* when she perceives concession to be equal and thus is motivated to resist further concession.

On this picture, an individual's sense of fairness acquires an initial shape in childhood as she learns the correct use of the words "fair" and "unfair." This involves becoming disposed to respond to certain features of cooperative contexts by making or seeking corrective concessions. In this way, the child acquires an initial understanding of what counts as a disparity of concession in her community. The learning process is not merely cognitive. It involves the shaping of the disposition, so that it becomes responsive to the features of cooperative contexts that are understood to constitute disparities of concession.

Reasoning about fairness takes the form of a kind of updating. As an individual moves through life, she will usually encounter cooperative contexts that are novel in some respects, that possess features different from those previously encountered. Reasoning about fairness involves considering whether it makes sense, in light of previous judgmental practice, to respond to the new case with a judgment of fairness or unfairness. This will usually mean considering possible analogies between the factual features of the new case and cases in which earlier judgments of fairness or unfairness were taken to be correctly made.

In this way, an individual's sense of fairness undergoes refinement as she moves through life. Through reasoning about fairness in novel cooperative contexts, an individual reshapes her sense of fairness. But since individuals will initially acquire somewhat different senses of fairness in childhood, and encounter somewhat different cooperative contexts as they move through life, each will acquire a distinctive sense of fairness, not fully shared by the other members of his or her community. As a result, it will be possible for people who are reasoning with full competence about the fairness or unfairness of a particular cooperative arrangement—generating conclusions by competently updating their senses of fairness—to come to different conclusions. These differences can be reduced by shared deliberation, but since each will have a somewhat different sense of fairness, it is unlikely that all divergence in judgment can be eliminated in this way, especially in large groups.

This sketch of what an anti-realist understanding of reasoning about fairness would look like, and of how reasoning about fairness could proceed on such an understanding, is overly simplified, but it will serve for the purpose of our examination of the possibility of reasonable disagreement about fairness. On the account presented, one party to a dispute about fairness, competently updating his distinctive sense of fairness, may be able to conclude that a given way of organizing the arrangement is fair--that the pattern of concessions associated with it is appropriate--while the other party, competently updating her sense of fairness, can competently conclude the opposite, that the pattern of concessions associated with the arrangement is inappropriate. On this antirealist view, there is no further sort of correctness consisting in the accurate representation of response-independent facts of fairness or unfairness. Each party, given

that she is proceeding with full competence within a distinctive sense of fairness, can be understood as making a judgment that is correct. Thus a judgment of fairness and a judgment of unfairness can both be correct.

But then the question arises of how the people making these judgments can be understood as disagreeing. One characterizes the arrangement as fair and the other as unfair, but the judgment of fairness is a judgment of acceptability from the standpoint of one sense of fairness, and the judgment of unfairness is a judgment of unacceptability from the standpoint of a different sense of fairness. Given this, and the fact that a cooperative arrangement can be organized in only one way, the judgments will give rise to practical conflict, and the parties can be seen as disagreeing about how the arrangement ought to be organized. But understood in the way proposed, the judgments of fairness and unfairness themselves do not contradict one another. Each records how the arrangement looks from the standpoint of a particular sense of fairness. What we seem to have, then, is the kind of divergence of judgment associated with relativism. Each party has a somewhat different starting point for judgments of fairness and unfairness, provided by her sense of fairness. Reasoning about fairness proceeds from these starting points in the way described, a way that manifests the proper functioning of the capacities engaged. And it seems that in principle, the parties could agree that each is reasoning competently, given his or her starting point.

III

I believe, however, that on the account of reasoning about fairness and unfairness that I have provided, there will still be a basis for regarding the divergent judgments as

disagreeing. One way of distinguishing genuine disagreement from a divergence in judgment that does not constitute disagreement—for example, relativistic divergence grounded in the fact that the parties are proceeding from different “starting points”—is to employ the idea of a *common normative basis*. Where we have genuine disagreement, the different judgments have a common normative basis. The disagreement reflects the fact that the judgments are differently positioned with respect to this common normative basis, or are proceeding differently from it. Thus perceptual judgments can disagree, and such judgments have a common normative basis in the proper functioning of the human perceptual apparatus.

The judgments of fairness and unfairness that I have described can also be understood as proceeding from a common normative basis. I have proposed that all human beings whose motivational capacities are functioning properly will possess a disposition to respond to perceived disparities of concession by making or seeking corrective concessions, when they take the relevant others to be similarly disposed. Judgments of fairness and unfairness have a common normative basis in the proper functioning of this disposition. Because the disposition will be shaped, in the way I have described, into somewhat different senses of fairness, it will be possible, compatible with proper functioning, for judgments of fairness made about a particular way of organizing a cooperative arrangement to diverge. But if the fact that judgments proceed from a common normative basis is a mark of disagreement, we will nevertheless have some justification for characterizing such divergence as disagreement.

This point requires clarification. Perceptual judgments proceed from a common normative basis provided by the proper functioning of the human perceptual apparatus.

But assuming suitable conditions for the operation of the apparatus, a shared set of concepts, and a shared vantage point, where perceptual judgments disagree, at most one can be correctly “tapped in” to this common normative basis. At most one judgment can reflect the fully proper functioning of the perceptual apparatus. On the account that I have provided, this is not the case with judgments of fairness and unfairness. Divergent judgments can both, or all, reflect the fully proper functioning of the operative motivational apparatus, and in this sense be correct. But because the judgments have a common normative basis in the proper functioning of this apparatus, this divergence will possess an important feature of genuine disagreement.

It may be helpful to expand on this last idea. In the case of disagreeing perceptual judgments, the relevant standard of correctness is provided by the proper functioning of the human perceptual apparatus. Thus given that one takes one’s own apparatus to be functioning properly, one will take the perceptual apparatus of someone making an opposing judgment to be malfunctioning. But the same situation obtains if judgments of fairness have a common normative basis in the proper functioning of the human motivational apparatus. Given that one takes one’s own apparatus to be functioning properly, one will take the apparatus of someone making an opposing judgment of fairness to be malfunctioning. Thus the situation will possess an important feature of disagreement.

That we can legitimately speak of disagreement in connection with the view of judgments of fairness that I have proposed receives further support from what might be called the sociology of disagreement. The parties to a mere practical conflict typically respond strategically, trying to maximize the attainment of their objectives given the

opposition they face. By contrast, where there is genuine disagreement, the parties take opposing views to be incorrect and try to establish this by argument. But the account of judgments of fairness that I have presented preserves this sociology. Although it is not the case that at most one judgment can be supported by reasoning that is fully competent, the judgments will proceed from a common normative basis. And opposing judgments, simply by virtue of the fact that they are opposing, will be seen as proceeding incorrectly from this basis, with the result that attempts are made to convince the people making the judgments that they are mistaken. Since the reasoning supporting the opposing judgments can be fully competent, the attempts will often fail. But the sociology of disagreement will be preserved.

If these observations are correct, we can make a place, in connection with judgments of fairness, at least, for reasonable, competently reasoned, disagreement without invoking the burdens of judgment. Since the different judgments can both or all be correct, and in that sense fail to contradict one another, there will be a basis for denying that the case is one of disagreement. Nevertheless, on the anti-realist theory that I have proposed there will also be a basis for understanding the divergence in judgment as disagreement. The judgments will have a common normative basis in the proper functioning of the human motivational apparatus, and when judgments that have a common normative basis diverge, we can justifiably speak of disagreement. Thus we can justifiably speak of reasonable--competently reasoned--disagreement about fairness.

These ideas are unfamiliar, but I believe that they enable us to provide a plausible account of many cases where we are inclined to speak of reasonable moral disagreement. Thus consider a case where disagreement concerns the way political cooperation morally

ought to be organized. The disagreement might, to take an example from Mill, be between a party of order and stability and a party of progress and reform. Each party would be making a proposal regarding the pattern of concessions in the polity that would be appropriate, and thus giving expression to a particular conception of fairness. It is characteristic of disagreements of this sort that they are not resolved despite extensive shared deliberation. One explanation for this intractability could be that self- or group-interested bias is distorting the reasoning of one or both parties. But on the view I am proposing, the intractability can be explained without positing any distortion of reasoning. Competently reasoned judgments of fairness are grounded in a motivational disposition that will be possessed by all humans whose cooperative capacities are functioning properly, but distinctive life experiences give the disposition a somewhat different shape in different individuals. Thus a given individual, taking his own sense of fairness as a reference point, will often be able reasonably to reject the conclusion reached by other competent reasoners.

IV

When reasonable disagreement is understood in this way, it is not recognized as such by the parties. In the final analysis, each side takes the other to be reasoning incompetently. Thus reasonable disagreement of this sort must be distinguished from what David Wong, in his account of “pluralistic relativism,” calls “ambivalence.” Wong characterizes ambivalence as follows. “We see that reasonable and knowledgeable people could have made different judgments than we are inclined to make about these conflicts, and any prior convictions we might have had about the superiority of our own

judgments get shaken. Moral ambivalence is the phenomenon of coming to understand and appreciate the other side's viewpoint to the extent that our sense of the unique rightness of our own judgments gets destabilized."²⁴ The reasonable disagreement of which I have been speaking does not take this form. Opposing reasonable views will usually appear incompetently reasoned in certain respects, with the result that there is no ambivalence. Rather the parties will be adamant that their respective views are (uniquely) correct.

We should be clear about the significance of this point. There is a sense, on my view, in which the parties to a reasonable disagreement can judge that all parties are reasoning competently. In many contexts where there is reasonable disagreement about fairness, for example, the parties will typically be able to follow each other's reasoning in one sense. They will be able to determine how those with whom they disagree are interpreting the concepts they take to identify reasons for fairness or unfairness, and they will be able to discern the argumentative route by which these people have reached their conclusions. That is, they will be able to understand the people with whom they disagree as reasoning competently in the sense of seeing them as proceeding competently from their particular premises. Since the premises will be rejected, or seen as misinterpreted, the reasoning will still be judged defective overall. It will be understood as failing to manifest the fully proper functioning of the capacities engaged. But in one respect it will be seen as displaying competence.

V

We have been exploring two ways that disagreement about the fairness of a cooperative arrangement can be viewed as reasonable when reasonableness is understood in the competence sense--that is, two ways of understanding disagreeing judgments of fairness and unfairness as competently reasoned. On one, the question of fairness is understood to have a single correct answer, but the parties are able competently to differ on which judgments, given the available evidence, have prima facie plausibility. On the other, the divergent judgments are not judgments of prima facie plausibility but final judgments of fairness and unfairness grounded in different senses of fairness. On this anti-realist interpretation, questions of fairness do not have single correct answers, but we can speak of disagreement because the divergent judgments have a common normative basis in the proper functioning of a motivational disposition posited as underlying the sense of fairness.

Earlier, however, we saw that there is a second sense of reasonableness, reasonableness in the concession sense. When we say to someone, in a cooperative context, "Be reasonable," we are using the concept of reasonableness in the concession sense. We are urging him to make a concession. Reasonableness in the concession sense can be understood as grounded in the same disposition as fairness, a disposition to respond to perceived disparities of concession by making corrective concessions. A reasonable person will be motivationally disposed to make certain concessions to the other members of a group of actual or potential cooperators if they are similarly disposed to make concessions to him. Does reasonableness in the concession sense, so understood, have any role to play in the characterization of reasonable disagreement?

It is often thought that when the members of a cooperating group reasonably disagree about how cooperation ought to be organized, each should be prepared to make an accommodating move toward the others. Otherwise it will not be possible for cooperation to take place. This presupposes that the parties are able to recognize their disagreement as reasonable. But as we have just seen, when the members of a group are not able to accept one another's conclusions, they will often be able to determine that each is proceeding competently from his or her particular premises. This perception may be sufficient to prompt the reciprocal concession required by reasonableness in the concession sense. It seems to follow that reasonableness in the concession sense can have a role to play when the members of a group of actual or potential cooperators reasonably—competently--disagree about the way their cooperation should be organized. Their disagreement will be characterizable as reasonable not just because they are reasoning competently in reaching their particular conclusions, but also because as reasonable people, they ought to make concessions from their particular views about appropriate organization.

These points can be given application on both of the scenarios we have envisaged—where the question being investigated is thought to admit of a single correct answer and the divergent judgments are judgments of prima facie plausibility, and where the question is thought to admit of more than one correct answer and the divergent judgments are final judgments which possess a common normative basis.

When the parties, are making judgments of fairness, however, the idea that reasonableness in the concession sense will enter into the characterization of reasonable disagreement must be qualified. We have seen that reasonableness can require one to

make concessions from one's view of what would constitute an appropriate way of organizing a cooperative arrangement. It seems to follow that when the view concerns what would constitute a fair way of organizing the arrangement, reasonableness can require one to accept a certain amount of unfairness. That is, the concessions enjoined by reasonableness can involve accepting an arrangement that is judged to be unfair to some extent. But it also seems that an individual who is confident of her judgment of what fairness requires might conclude instead that it would be appropriate to be unreasonable--to refuse to sacrifice fairness, as she understands it, to reasonableness. If the parties all take this view of the matter, they will not be able to realize the benefits of cooperation. But when reasonableness and fairness are understood in the way I have proposed, it is not clear that this would be a mistake.

Let's explore this point in more detail. I have suggested that reasonableness in the concession sense and fairness can both be understood as grounded in a motivational disposition, which will be possessed by all humans whose mental capacities are functioning properly, to respond to perceived disparities of concession by making or seeking corrective concessions. What, then, is the difference between them?

When we employ the concept of fairness, I believe, we are envisaging reciprocal concession in the context of an ongoing cooperative endeavor. Once the endeavor has been launched, the contributions the members make as it unfolds can open up disparities of concession that call for corrective concessions. That is, by making their contributions, individual members of the group introduce (what are expected to be) temporary disparities of concession, and those who have benefited from the disparities can be called upon, as cooperatively disposed people, to eliminate them by making reciprocal

concessions. This is not to deny that judgments of fairness and unfairness can be made in the planning stage, about a proposed cooperative scheme. But in that case, the person making the judgment is anticipating ongoing cooperation on the basis of a given scheme, and considering whether this would be marked by uncorrected disparities of concession.

By contrast, the concept of reasonableness in the concession sense finds its characteristic employment in the negotiation, or establishment in some other way, of the terms on which cooperation will proceed. It finds its characteristic employment in the negotiation of a cooperative scheme. The different parties will initially propose different cooperative schemes, but if cooperation is actually to take place, they must converge on one scheme. The form of concession required here is acceptance of a scheme proposed by another member of the group, or movement in its direction, and people who are reasonable will make such concessions in response to perceived disparities of concession in the negotiation process.

On the view I am proposing, then, the concepts of reasonableness in the concession sense and fairness can be understood as capturing two different sides of the motivational coin provided by the posited disposition to respond to perceived disparities of concession by making or seeking corrective concessions.

We can now give a more precise characterization of the possibility of conflict between reasonableness in the concession sense and fairness. Reasonableness in the concession sense and fairness both give expression to the motivational disposition to respond to perceived disparities of concession by making or seeking corrective concessions. So when we consider the motivational dimension of a conflict of the kind we are now considering, it will not be a matter of two different sources of motivation,

such as two different desires, pulling or pushing in different directions. Rather the same motivational disposition is engaged first in one way and then another, depending on how the disparities of concession to be corrected are understood—as disparities in an ongoing cooperative endeavor or as disparities in the negotiating process that sets the terms on which cooperation will proceed.

It is not clear that the proper functioning of the underlying disposition to correct perceived disparities of concession dictates any particular way of resolving such conflicts. We can bring this point out by considering how a conflict of this sort could arise in political contexts. The members of a polity will typically disagree about whether particular ways of organizing political cooperation are fair or unfair. In this case, the parties will be able to converge on a single way of organizing cooperation only if, in general, they are prepared to make the concession of accepting as a basis for cooperation a scheme they judge to be unfair in some respects—a scheme they judge to be morally mistaken. But some of them may be unwilling to sacrifice in this way what they competently judge fairness to require, and it is not clear that this would involve the malfunction of the underlying motivational disposition. We can term people who are unwilling to be reasonable if this involves sacrificing what they take fairness to require *dissidents*, and being a dissident could be compatible with the proper functioning of the human cooperative disposition.

It follows that if reasonableness in the concession sense and fairness are both understood in the way proposed, as grounded in a disposition to respond to perceived disparities of concession with corrective concessions, we cannot say that reasonableness in the concession sense will, of necessity, play a role in any cooperative context where

the parties reasonably disagree in the competence sense about fairness. In a case of that kind, the proper functioning of the underlying motivational disposition could manifest itself either of two ways. Reasonableness in the concession sense could be given precedence over a competently reasoned judgment of fairness, or the competently reasoned judgment of fairness could be given precedence over reasonableness in the concession sense. That is, a refusal to be reasonable could be compatible with proper functioning.

It is worth noting that there is a possible epistemological application of the distinction that has been made between the competence sense of reasonableness and the concession sense. Epistemologists have discussed the phenomenon of peer disagreement. A typical example involves a group of people at a restaurant who are equally competent in arithmetic but who disagree about what would constitute a twenty percent tip. One view of such cases is that the parties should assign equal weight to each answer and derive an average, which can then be taken as the correct answer.

This “conciliatory” approach can be understood as a view about how people who are reasonable in the *competence* sense would proceed in such a case.⁵ Competent reasoning would dictate conciliation. It would dictate mutual accommodation. But it is noteworthy that reasonableness in the concession sense would also dictate conciliation. The situation has a cooperative aspect. The parties are not going to get out of the restaurant unless they can agree on a tip. So even if no one’s confidence is shaken by peer disagreement—even if they don’t change their minds about what is the correct answer--reasonableness in the concession sense would still dictate splitting the difference. Insofar as the cases of peer disagreement studied in the epistemology literature have a

cooperative element, the concept of reasonableness in the concession sense may be influencing thinking about how competent reasoners will proceed.

Notes

¹ John Rawls *Political Liberalism*, p. 48.

² *Ibid.*, p. 56.

³ *Ibid.*, 56-7.

⁴ David Wong, *Natural Moralities: A Defense of Pluralistic Relativism* (Oxford: Oxford University Press, 2006), p. 5.

⁵ Conciliatory views are discussed by Adam Elga in “How to Disagree about How to Disagree,” in R. Feldman and T. Warfield, eds., *Disagreement* (New York: Oxford University Press, 2010), pp. 175-186.