

DISAGREEMENT, EQUALITY, AND THE EXCLUSION OF IDEALS

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FIRST DRAFT

Most of us have beliefs about what constitutes or contributes to a valuable life. Some of us believe an essential feature of leading a good life is acting in accordance with God's commands. Some of us believe that a good life is one that involves successfully overcoming difficult challenges that test the limits of our capabilities. Some of us believe a good life is one filled with hedonic pleasure. For simplicity, I will refer to things that may constitute or contribute to the intrinsic or inherent value of life, *ideals*.

Is there a place for such ideals in political morality? More specifically, can such ideals ever serve as justifying reasons for laws or political principles? *Perfectionists* answer "yes". More strongly, most perfectionists also believe the best account of political morality depends heavily on ideals. One of the primary purposes of any legitimate government, on this view, is to help citizens lead more valuable lives.

Antiperfectionists reject this view. They argue that political morality, properly construed, requires the exclusion of ideals. To simplify somewhat, antiperfectionists argue that the power of the state should not be used to promote some ideals or discourage others, but rather should be used to provide a fair framework of rules and institutions within which each citizen can pursue his or her own view of the good life.

There are different ways to argue in favor of antiperfectionism. One argument goes something like this: when deliberating or deciding about the permissible use of political power, there is something objectionably *inegalitarian* about relying on one's own views about how to live in the face of widespread and sincere disagreement about which ideals contribute to a good life. Trying to shape laws or public policy to conform with my views about the good life in the face of such disagreement is to behave as if there's something special about *my* beliefs when compared to the beliefs of other citizens. My beliefs ground the authority of laws or political principles, but the beliefs of others do not. I will call this the *equal beliefs argument*.

In *The Morality of Freedom*, and also in a later essay, Joseph Raz offers a seemingly decisive objection to this argument. My aim in this paper is to show that there is a more plausible egalitarian argument in favor of antiperfectionism that is not vulnerable to the objection that Raz and others have pressed against the equal beliefs argument. This conclusion has important implications. First, it shows that there is a distinctively egalitarian reason to favor antiperfectionism—something that critics of antiperfectionism have sometimes denied. Second, there are wider implications for democratic theory. Certain egalitarian views regarding the authority of democracy may not provide support for democratic institutions in general, but rather for a particular antiperfectionist form of democratic self-government.¹

¹ I do not explore the latter implication in this paper, but the views of democratic authority I have in mind include those advanced by Niko Kolodny, "Rule Over None II: Social Equality and the Justification of Democracy," *Philosophy & Public Affairs* 42 (2014), 287-336; and Daniel Viehoff, "Democratic Equality and Political Authority," *Philosophy & Public Affairs* 42 (2014), 337-375.

I.

Here is a claim—the target of Raz’s discussion—made by Ronald Dworkin: “people have a right not to suffer disadvantage in the distribution of social goods and opportunities, including disadvantage in the liberties permitted to them by the criminal law, just on the ground that their officials or fellow citizens think that their opinions about the right way for them to lead their own lives are ignoble or wrong”.² Dworkin does not explain why people have this alleged right, but the equal beliefs argument provides a way of filling the gap. Because intelligent people sincerely disagree about ideals of the good life, it is objectionably inegalitarian for public officials or democratic majorities to use their beliefs about ideals as the basis for restricting some citizens’ access to goods or liberties.

Although he speaks in terms of moral requirements, rather than ideals, Gerald Gaus also offers a statement that can be understood as a formulation of the same general idea: “Because we recognize other moral persons as free and equal, having authority—perhaps we should say “moral sovereignty”—to interpret their own moral obligations for themselves, our claims to have standing to command that they comply with our view of the demands of morality appears to manifest disrespect for them as equal interpreters of morality”.³

Here is another formulation of the equal beliefs argument, offered by one of its critics, David Enoch: “the thought seems to be that if I am willing to impose Catholicism-based imperatives on you, non-Catholic as you are, I am giving extra political weight to my own beliefs over yours. I am treating in an asymmetric way the fact that I believe Catholicism and the fact that you believe

² Ronald Dworkin, “Is There a Right to Pornography?” *Oxford Journal of Legal Studies* 1 (1981), 194.

³ Gerald Gaus, *The Order of Public Reason* (Cambridge University Press, 2011), 17.

its denial. According equal weight to our beliefs would require going neutral here".⁴

Here is one way to formulate the equal beliefs argument:

1. Intelligent, well-meaning people reasoning carefully about the issues can and do disagree about ideals.
2. In the face of such disagreement, to appeal to one's beliefs about ideals in justifying laws or political principles is to accord more weight to one's own beliefs than the beliefs of others with whom one disagrees.
3. According more weight to one's own beliefs when compared to others in these circumstances is inconsistent with the moral equality of persons.

Therefore

4. Perfectionism is objectionably inegalitarian.

If this argument were sound, it would represent a powerful reason to embrace antiperfectionism.

II.

The argument, however, is vulnerable to a seemingly decisive objection first advanced, as far as I'm aware, by Raz.⁵ In response to Dworkin's statement above, Raz rightly says, "this sounds like an anti-perfectionist right, but it is not. It excludes not ideals but the fact that people believe in them from serving as grounds for political actions".⁶ Proponents of perfectionism do not say that anyone's *beliefs* in ideals justify laws or political principles; rather perfectionists

⁴ David Enoch, "Against Public Reason," *Oxford Studies in Political Philosophy: Volume 1* (Oxford University Press, 2015), 130.

⁵ It may, of course, be vulnerable to further objections.

⁶ Joseph Raz, *The Morality of Freedom* (Clarendon Press, 1986), 158.

insist that the ideals themselves serve this function. For example, it is not *my belief* that performing and witnessing athletic excellence contributes to a valuable human life that justifies a government policy of subsidies for athletics; is it is *the fact* that performing and witnessing such excellence contributes to a valuable human life that justifies the policy. My belief plays no justificatory role.

David Enoch also presses this objection: “When I impose (in good faith) Catholicism-based directives on you my reason for action—that is, the feature of the circumstances that I take to be normatively relevant—is not *that I believe the Catholic doctrine*. Rather, my reason is the content of my belief, namely *Catholic doctrine* itself”.⁷

This objection succeeds by showing that the equal beliefs argument is invalid. The conclusion doesn’t follow from the premises since perfectionism does not endorse the view that we may appeal to our beliefs about ideals in justifying laws or political principles—it is rather the ideals themselves that play the justificatory role. Since perfectionism does not entail the acceptability of what is described in premise 2, premise 3 is rendered irrelevant, and thus the conclusion doesn’t follow. I will call this the *mistake about reasons* (MAR) objection.

In the following section I consider two potential rejoinders to this objection, but I argue that neither is successful.

III.

One response to the MAR is to insist that there is no practical difference between a political theory in which ideals play a justificatory role and a political theory in which people’s beliefs about ideals play a justificatory role. Laws and public

⁷ Enoch, “Against Public Reason,” 130-31.

policies are human creations, and thus if we accept perfectionism, it is unavoidable that what will decisively shape laws and public policies will be people's beliefs about ideals.

This response to the MAR, however, does not succeed since it conflates descriptive and normative claims. Even if, as a matter of fact, what decisively shapes laws and public policies in our society are individuals' beliefs about ideals, this has no necessary implications regarding the legitimacy or justifiability of those laws or public policies. A perfectionist may simply insist that whatever people may believe to be true about ideals, laws and public policies are only justifiable or legitimate insofar as they are appropriately grounded in the truth about ideals. Notice that an exactly analogous response is available to the philosopher who endorses the view that principles of justice are the only considerations that can justify laws or public policies. Even if, as a matter of fact, what decisively shapes laws and public policies are people's beliefs about justice, this has no bearing on the position of the "justice-only" view: the proponent of this view can simply say that whatever those in power may believe about justice, laws and public policies are only legitimate provided they can be justified by appeal to the truth about justice. Whatever the other strengths and weaknesses of this position might be, it doesn't allow people's beliefs about reasons for action to count as reasons for action. Neither does perfectionism.

A second response to the MAR appeals to the notion of legitimate authority. Suppose a majority of voters or legislators, following constitutionally approved democratic procedures, enact some piece of legislation on the basis of their beliefs about ideals (suppose further that the legislation does not violate anyone's basic moral rights or liberties). But now further suppose the legislation in question is grounded in an ideal of the good life that happens to be false.

Perfectionists might now seem caught on the horns of a dilemma. On the one hand, they can insist that since the ideal is false, the state lacks the legitimate authority to impose it, despite the fact that appropriate democratic procedures were followed and no basic moral rights or liberties are threatened. But this would be a significant bullet to bite. This would be to concede that perfectionism is significantly undemocratic; that democratic majorities, acting within the limits of a constitution, lack the legitimate authority to enact laws whenever those laws are grounded in mistaken views about the good life. On the other hand, perfectionists could accept that democratic majorities, acting within the limits of a constitution, have the legitimate authority to enact laws on the basis of mistaken ideals. But making this concession seems to leave the perfectionist vulnerable to the equal beliefs argument. If democratic majorities have the legitimate authority to enact laws on the basis of mistaken beliefs about ideals, then it looks like it is *the beliefs* about ideals that are being granted justificatory force, and not the content of the beliefs. Assuming it isn't possible for false ideals to have justificatory force, it must be the fact that a majority believes the false ideals that justifies the legitimacy of the law or policy. But if beliefs are granted this role, then the MAR is not a good objection to the equal beliefs argument.

Raz anticipates this worry. As he puts it,

Mistaken decisions are equally binding. It would not be an authority if it did not have the power to err. It is therefore tempting to say that the reason for the authority's action is that it believes its action to be justified. That and not the actual justification of its action assures it of its binding force. When its decision is taken in pursuit of some ideal of the good it is the

authority whose views are foisted on those who disagree with it. Any attempt to disguise this by saying that people are treated in accordance with sound moral principles overlooks the fact that what happens in real life is that some people are imposing their views on others who disagree with them.⁸

Raz's response to this worry is persuasive. As he notes, "while an authority's belief that a decision is based on sound considerations makes it binding even if it is not in fact sound, the reason for this is that acknowledging the validity of an authority's decision even if it is unsound is in fact more likely to lead to action supported by sound reason than any alternative method of deciding what to do".⁹ Although Raz here relies on his particular service conception of authority, one needn't accept this particular account of authority in order to endorse the more general point being made. The more general point is this: if some authority, *A*, is a legitimate authority, then there are reasons independent of any specific decision *A* might make that justify its role as a legitimate authority. It is those independent reasons (e.g. consent of the governed, or the service conception of authority, etc.) that explain why the particular decision *A* makes is authoritative, even if the decision is based on mistaken beliefs about ideals. Thus, the mistaken beliefs play no fundamental justificatory role—what really justifies the enactment of the law or policy are the independent reasons that are sufficient to grant officials a certain degree of authority.

⁸ Raz, *Morality of Freedom*, 159.

⁹ *Ibid.*

In sum, neither of the responses to the MAR objection is successful. The equal beliefs argument does not show perfectionism is objectionably inegalitarian since even if all the premises of the argument are true, perfectionism is not committed to the proposition that anyone's beliefs about ideals play a justificatory role in shaping laws or political principles. Enoch concludes that the MAR objection is decisive, and that it "shows that the equality underlying public-reason [i.e. antiperfectionism] is based on a simple confusion...the equality motivation should just be rejected. The tension between authority and equality (as understood by public reason theorists) is a pseudo-problem".¹⁰

In the following sections, I argue that we can resist this more sweeping conclusion. Although the equal beliefs argument should be rejected, there is a different way in which the value of equality might call for the exclusion of ideals.

IV.

Let's begin by reconsidering the initial intuition that there is something objectionably inegalitarian about using the power of the state to enforce or promote some ideals at the expense of others. What exactly is inegalitarian about this? It cannot be that perfectionism permits people to decide on the basis of their own beliefs rather than accord equal weight to the beliefs of others. After all, to insist on antiperfectionism is also to decide one's own beliefs are correct, and the beliefs of others are incorrect. As Raz says, "Yielding to consensual views is not a way to avoid relying on one's own views on hard moral issues. To come to the view that one should rely only on consensual principles...is to come to a moral view and rely on it...each one of us can only act for reasons we believe to justify

¹⁰ Enoch, "Against Public Reason," 134.

our action. Deferring to the consensus is no exception...In deferring to the judgment of others we are still acting on our own judgment".¹¹

This should help us see that the focus on whether we must accord equal weight to the beliefs of others in certain circumstances of disagreement is a red herring. No positive account of political morality can insist that we give equal weight to the views of all who disagree with us, and if this were the basis of the egalitarian argument for antiperfectionism, perfectionists would be right to dismiss it. Instead, I think the egalitarian argument for antiperfectionism is most plausibly construed as appealing to a view of how egalitarian distributions and relationships can be sustained under conditions where coordination is required in the face of foundational disagreements about ethics and ideals.

Foundational disagreements are characterized by the fact that the parties to the disagreement do not share a deeper standard of justification that can serve to adjudicate the disagreement. For example, suppose you and I disagree about the permissibility of pre-marital sex: you believe it's permissible and I do not. Suppose this disagreement arises from the further fact that I believe moral permissibility is determined by God's commands, whereas you are a rule utilitarian. We lack a shared justificatory framework to resolve our first order dispute about pre-marital sex, thus the dispute is foundational.

Disagreements of this type are common, and threaten to make mutually advantageous forms of cooperative life difficult or even impossible. Sometimes these conflicts may be resolved by appeal to each party's self-interest: the relative bargaining power of the interested parties is sufficient to give each a self-interested reason to accept a bargain or a compromise. But self-interested bargains are not a general solution for at least two reasons. First, self-interested

¹¹ Raz, "Disagreement in Politics," *The American Journal of Jurisprudence* 43 (1998), 27.

bargains are not always possible, and they are unlikely to provide a stable framework for long-term coordination. Second, even when they are possible, there is no reason to believe that such bargains are fair or just. As Rawls famously tells us, “to each according to his threat advantage is not a conception of justice”.¹² In particular, allowing disagreements to be settled by relative threat advantage, unconstrained by any background norms, is inconsistent with the moral equality of persons.

We require a mechanism to resolve these disagreements in a way that respects the moral equality of persons. Appropriate political institutions and rules can be the solution to this problem, by serving as an impartial framework to resolve disagreements. I want to draw attention to two conditions that must be met for political institutions to perform this role. First, the rules and institutions must be impartial in the following sense: they must not be the *de jure* or *de facto* instruments of one side in the conflict. To illustrate, suppose you and I are locked in a disagreement. To resolve the disagreement, I propose we allow a third party to enforce a decision, and I nominate Fezzik, who is far bigger and stronger than either of us. But Fezzik is my employee, and so he is certain to enforce my view of the matter. To propose Fezzik as an impartial arbiter is a sham: Fezzik would be an instrument in service of my side in the conflict, not an impartial arbiter of the conflict. This example, of course, does not provide a positive account of what’s needed for impartiality, but that isn’t important for our purposes. I only want to point out that a necessary condition for an institution or agent to qualify as impartial is that the institution or agent not be an instrument of one of the parties to the conflict.

¹² John Rawls, *A Theory of Justice: Revised Edition* (Oxford University Press, 1999) 116.

The second feature I want to highlight is the deliberative priority that individuals must accord the rules and decisions issued by the governing institutions. In order for governing institutions to function effectively, those governed by the institutions must accept, at least much of the time, the rules issued by the institutions as binding and as having deliberative priority over other considerations. The decisions of an impartial arbiter aren't of much practical use if neither side is willing to accept and act in accordance with the arbiter's judgments. Of course in small-scale settings, the arbiter may be able to use force or the threat of force to ensure compliance, but in large complex societies, this won't be efficient as the sole or even primary mechanism for ensuring compliance. Social coordination or cooperation can be achieved in a much more efficient fashion if people accord deliberative priority to the rules issued by governing institutions.

There are many ways in which we give priority to certain rules. One notable way this happens is accepting the right to do wrong. We frequently disagree about morality's requirements. Political institutions respond to this problem in one of two ways: either by effectively privatizing the disputed behavior such that each person is permitted to act in accordance with her preferred views, or else by enforcing one of the disputed views. In both cases, some citizens will view others as having been granted a right to do wrong. That is, *A* will have a claim right against interference when ϕ -ing, despite the fact that, at least from *B*'s perspective, ϕ -ing is morally wrong. *B* is thus under a duty to refrain from interfering with *A*'s ϕ -ing, and *B* is expected to accord this duty deliberative priority over her other convictions, most obviously, over her conviction that ϕ -ing is morally wrong. A plausible account of political institutions should explain why individuals should grant this kind of deliberative priority to laws and other institutions.

V.

I now want to consider which forms of self-governance are consistent with the conditions described above, and whether there is a distinctively egalitarian reason to prefer certain forms of self-government.

It may be helpful to begin with a smaller scale example of self-governance. Suppose you are faculty member in a philosophy department with some deep disagreements. Some are Platonists, some are Humeans, and others are Kantians. These differences are also sharp: many faculty members think there is little, if any, value in the sort of work their colleagues do, indeed much of what their colleagues do appears counterproductive and pernicious. But despite these differences, the department strives to operate as a community of equals, where all share equally in the governance of the department, and where the burdens and benefits of departmental life are shared in an equitable manner.

Consider the various decisions and tasks that your department faces. Among other things, you must decide whom to elect as Head of Department, which graduate students to admit, how the allocation of administrative burdens should be determined, who ought to have the authority to design the syllabus for each class, and which job candidates to hire. Without a reasonably clear set of rules or principles to guide these decisions, the department will not function effectively—different members of the department cannot, for example, unilaterally attempt to serve as Head of Department or decide which graduate students should be admitted next year.¹³ Rules and guiding principles are thus

¹³ Of course the Dean or Provost could simply impose a series of rules regulating departmental life, and threaten to fire or dock the salary of any faculty member who violates the rules, and maybe this would suffice to ensure sufficient compliance such that the department could function tolerably well. But the faculty members of such a department would lack a certain status—for simplicity let's say they would be mere employees and not self-governing.

essential for the department to function effectively. In particular, it will be important that each faculty member accord priority to these rules with regard to the common life of the department. Even if you believe the wrong candidate has been offered a tenure track job in this year's search, you must defer to the department's appropriately authorized decision—you cannot seek to make your own job offers. Similarly, you may believe the content of your colleague's syllabus for an advanced course in the philosophy of mind is deeply misguided, but you must not interfere in your colleague's teaching of the class if the rules assign authority over the content of each syllabus to whomever has been assigned to teach the class.

Now consider how the rules and principles of your department are justified. Suppose, for example, most of the rules and principles depend on assuming that Hume's view of philosophy is essentially correct, and that Platonic and Kantian views are false. Job candidates whose work is inconsistent with the Humean tradition are to be rejected; the content of syllabi are not approved unless they reflect the appropriate Humean view of the topic, and so on. These are the rules and guidelines to which each member of the department must give priority.

Although I think such a department is unlikely to be stable—unlikely to function effectively for very long—that is not the issue that concerns me. The point is that in such a department, some faculty members must subordinate their convictions about the nature of philosophy to those of their colleagues, and as a result, I submit that the department fails to be a community of equals. The rules regulating decisions are needed, in part, because of the deep philosophical disagreements. But if the rationale for the rules presupposes the correctness of one of the contested philosophical positions, then the rules aren't resolving the disagreement in a way that reflects the equality of the different faculty members;

rather the rules merely serve as an instrument to impose one of the contested doctrines on those who dissent.

I now wish to draw your attention to something about the preceding example that was left unclear: how was it determined that the department's rules will be justified by reference to the correctness of Hume's view? In particular, does it matter whether this decision was made by a majority of the faculty? Some democrats may believe this matters a great deal—that the department is suitably egalitarian provided the decision to ground the department's rules exclusively in a Humean view was made via a fair voting process. But this conclusion seems false. This is easy to see once we recognize that a majoritarian decision procedure is merely one apparently egalitarian way of resolving collective disputes.

Suppose a group of friends go out for dinner once a month, but can never agree between three different restaurant options for dinner. A majority always prefers an Italian restaurant, a minority prefers a Chinese restaurant, and a third minority prefers a Japanese restaurant. Two procedures are proposed to resolve the dispute: (a) each month a vote is taken and whichever restaurant receives the largest number of votes will be the restaurant the group attends that month, or (b) the group will rotate between the three restaurants in proportion to the preferences of the group members. Suppose the decision between (a) and (b) is itself made via a majority vote and, realizing their numerical superiority, the majority votes in favor of decision-procedure (a). It looks like the majority does something wrong in using their numerical advantage in this way—more specifically, it looks objectionably inegalitarian.

Here's a plausible explanation of this intuition. The main good or advantage at issue in this case is the satisfaction of one's culinary preferences. The policy of choosing by majority rule each month ensures that the majority receives as much of this good as possible, whereas the minority receives none of

the good. This might not be objectionably inegalitarian if more egalitarian distributions are not feasible, but that's not the case. An alternative distribution where culinary preference satisfaction is more equitably distributed is feasible, and thus to insist on the majority vote each month is not a way of showing respect for equality, but is rather a way of subverting equality.

Of course there are several disanalogies between this restaurant example and the other examples that concern us. But my point at this stage is modest: that the rules or institutions governing a group's behavior are determined via a fair voting process is no guarantee that the resulting rules or institutions are sufficiently egalitarian.

For further illustration, let's return to our deeply divided philosophy department, where many of the rules presuppose the correctness of a Humean view. If your department operates on these terms, the members of your department do not stand as equals in an important sense. There is profound disagreement amongst the members of your department about how philosophy ought to be done, and about which philosophical traditions are valuable and which are useless or counterproductive. Partly because of that disagreement, to function effectively your department requires that faculty members accept and accord priority to a series of rules and principles. But if these rules and principles presuppose the correctness of one of the contested philosophical traditions, then some members of the department are simply being required to subordinate their views about philosophy to alternative accounts that they believe to be false. When a non-Humean faculty member asks herself why she ought to accord deliberative priority to some departmental rule, she is given no additional justification apart from the one that her Humean colleagues initially offered: Hume's account is correct. The non-Humean faculty member is told, effectively, you must accord priority to this the Humean view over your own because your

view is false. She is, in other words, given no reason to accord priority to the rules that transcends the initial disagreement. Sometimes the fact that rules are selected via a fair democratic process can provide a sufficient reason to those who disagree with the rule's rationale to accord it deliberative priority. But when a different decision procedure is feasible, and also offers a more egalitarian method of protecting or distributing an interest or resource that is at the heart of the dispute, this reason is absent.

Here is another way of putting the point. It's plausible to suppose that each member of the philosophy faculty has a significant interest in not being required to subordinate her judgments about philosophy to alternative positions. But in the version of the department we have been imagining, the department's rules and institutions are designed in a way that does not offer anything like the equal protection of this interest for its members. Some members will have this interest perfectly protected, whereas this interest for other members of the department is entirely thwarted.

But we can imagine a different version of the philosophy department; one where the rules and principles are justified without presupposing the correctness of one of the contested philosophical standards, but are rather justified by appeal to certain values or ideas that all the members of the department—at least those who wish to participate in a fair self-governing community—share (e.g. faculty autonomy regarding syllabus content, or the relative unimportance of job talks in hiring decisions). When the department's rules and principles are justified in this way, no faculty member is required to subordinate her central convictions about philosophy to those of others, and so there's an important sense in which the

faculty members do stand as equals in the shared governance of their department in a way that they do not in the initial example.¹⁴

It's worth noting several important features about this example. First, the importance of justifying the department's rules and principles in a manner that eschews appeal to contested philosophical doctrines has nothing to do with coercion. Even if the rules are not coercively imposed, it still matters how the rules are justified. Second, the egalitarian rationale for a shared form of justification arises because of the way the rules are meant to have priority over each member's wider beliefs about how philosophy ought to be done. If the justification for the rules privileges the philosophical views of some members of the department, there's a clear sense in which the solution to the department's deep disagreements is simply that some faculty members are required to subordinate their judgments about philosophy whereas others are not.

I've been considering a deeply divided philosophy department, but the conclusion, if sound, applies more generally to self-governing communities, including political communities. Indeed, I believe the egalitarian rationale I have sketched is uniquely important when we consider political communities for at least two reasons. First, the interest each individual person has in not subordinating her judgments about fundamental matters concerning the good life is much more important than the interest a philosophy faculty member has in

¹⁴ On my view there is thus an important connection between *standing as equals* or realizing a *relationship of equality* on the one hand, and the *equal distribution*, or *equal protection*, of particular goods or interests on the other. The particular threat to equality that is my focus is one where members of a self-governing community do not relate to one another as equals because a particularly important interest each person has—one that is central to the need for their system of shared governance—is not equally protected by their shared system of governance. I don't say that the unequal distribution of any good or interest is sufficient to undermine equal standing, or that the unequal distribution of any good or interest is necessary to undermine equal standing. I'm only proposing that the unequal protection of this particular interest has this feature. The issues here are clearly complex and I don't adequately engage with them in this paper.

not subordinating her judgment regarding foundational issues in philosophy. Second, the primary function of political communities is to implement and preserve just institutions. If, as is widely believed, justice has a special priority in our practical reasoning—if it is rarely, if ever, permissible to prioritize other considerations over the requirements of justice—and if a political community's primary function is to secure just rules and institutions, then the egalitarian rationale I have sketched has particularly salience for relationships amongst citizens. Other self-governing communities may issue directives to which we must sometimes give priority, but reasonably just political communities may be unique in issuing directives to which we are almost always required to give priority.

Let's take stock. I've argued that there is an egalitarian rationale for self-governing communities to refrain from justifying institutions and rules by appeal to certain doctrines or reasons when it is the disagreement over those doctrines or reasons that partly creates the need for institutions and rules to govern individual conduct. This egalitarian rationale emerges via a tension between two important features of egalitarian self-governing communities. On the one hand, the institutions and rules must be more than mere instruments by which the more powerful impose their will on the less powerful. On the other hand, individuals must accord a certain priority to the institutions and rules in their practical deliberations. The question is whether there are rules and institutions that are sufficiently impartial that also provide individuals with reasons to grant these institutions and rules deliberative priority.

I've suggested that procedural solutions, such as majoritarian decision procedures, do not always satisfy our two requirements. When other, suitably egalitarian, alternatives are feasible, majority rule becomes an instrument by which the powerful group subordinates the less powerful. The minority are told,

in effect, “We disagree about the truth of ϕ but you must accord deliberative priority to our view rather than your own.” In the context of debates about laws in a political community, this can be sharpened: “Your ideal yields the judgment that ϕ -ing is morally wrong, whereas our ideal deems it to be permissible. You must grant priority to our legal right to ϕ over your judgment that ϕ -ing is wrong”. A society where the less powerful are expected to accept this claim fails, in an important respect, to be a society of equals. It fails because each person has a powerful interest in not being required to subordinate her judgments about fundamental matters concerning the good life provided her judgments are compatible with the protection of the same interest of others. A view of political morality where ideals are excluded from playing a justificatory role protects this interest in an egalitarian fashion. Perfectionist views of political morality do not. Here is a summary of what we can call the *subordination argument*:

5. Self-governing communities characterized by certain forms of disagreement require impartial rules and institutions regulating individual behavior.
6. For such rules and institutions to be effective, individuals must typically accord the rules deliberative priority.
7. Persons have an important interest in not being required to subordinate their judgments about fundamental matters provided the judgments are compatible with the protection of the same important interests of others.
8. When different institutional arrangements are feasible, there is a *pro tanto* egalitarian reason to choose the arrangement that offers the most equal protection of the interest described in 7.
9. Antiperfectionist political institutions offer more equal protection of the interest described in 7 than perfectionist political institutions.

Therefore

10. There is an egalitarian reason to favor antiperfectionism in self-governing communities characterized by certain forms of disagreement.

VI.

In this section I consider a number of objections to the subordination argument.

i.

Recall the equal beliefs argument:

1. Intelligent, well-meaning people reasoning carefully about the issues can and do disagree about ideals.
2. In the face of such disagreement, to appeal to one's beliefs about ideals in justifying laws or political principles is to accord more weight to one's own beliefs than the beliefs of others with whom one disagrees.
3. According more weight to one's own beliefs when compared to others in these circumstances is inconsistent with the moral equality of persons.

Therefore

4. Perfectionism is objectionably inegalitarian.

This argument was shown to be vulnerable to a fatal objection. In its most plausible form perfectionism does not entail that anyone's *beliefs* justify laws or political principles. The fact that you, rather than I, believe some proposition is of no relevance in determining what is politically justified. It is the *content* of the beliefs—when sound—that justify laws and principles. Since perfectionism needn't entail what is described in the third premise, the argument is invalid. I called this the mistake about reasons (MAR) objection.

A skeptic might insist that the subordination argument is also vulnerable to the MAR. I have suggested that, at least in some contexts, when some are required to accord deliberative priority to what they regard as the false beliefs of others, this can be objectionably inegalitarian. But, says the skeptic, perfectionism doesn't require anyone to accord deliberative priority to the *beliefs* of others, rather it requires some people to accord deliberative priority to the *content* of those beliefs. It's the substantive content of the beliefs—not to whom the beliefs belong—that matters. Once we recognize this fact, the subordination argument dissolves.

This objection, however, does not succeed. The subordination argument does not posit an interest in not being required to subordinate one's judgments about important matters *to others' beliefs*. Rather, the interest is simply in not being required to subordinate one's judgments about fundamental matters full stop. In other words, the interest is thwarted (subject to a caveat discussed in the following section) even when one is required to subordinate one's judgment to the truth.

A skeptic may protest that once the interest is construed in this way, the egalitarian claim is implausible: there is nothing objectionably inegalitarian about being required to subordinate one's judgments to the truth.

But this isn't so. Consider David Estlund's example.¹⁵ Assume Catholicism is true and that the Pope has infallible access to God's commands. A political community where non-Catholics are required to subordinate their judgments about religion and the good life to those of the Pope is objectionably inegalitarian. We can explain why it is objectionably inegalitarian without appeal to the equal beliefs argument. It is objectionably inegalitarian because each

¹⁵ David Estlund, *Democratic Authority* (Princeton University Press, 2008), 5.

person has an important interest in not being required to subordinate her judgments about fundamental matters. In the imagined society, this interest is not equally protected: the interests of non-Catholics are thwarted whereas the interests of Catholics are not.

The skeptic might offer a different objection.¹⁶ If there is something objectionable about cases like this, equality is irrelevant to the explanation. What's morally troubling about such cases is best explained by appeal to some notion of autonomy or freedom of conscience, and has nothing to do with equality at all.

But this doesn't seem true. Compare two political communities, while holding constant the assumption that Catholicism is true. In the first community, there are no Catholics, and yet everyone is required to subordinate their judgments to Catholic doctrine. In the second society, there are some Catholics and some non-Catholics, and everyone is required to subordinate their judgments to Catholic doctrine. The second society has an additional moral problem or bad-making feature that the first society lacks. Indeed it seems clear to me that, other things being equal, the second society is worse than the first. The subordination argument offers a clear and plausible explanation of this intuition. The skeptic who denies that equality plays any role cannot reach this intuitive verdict. Indeed the skeptic might be committed to the implausible conclusion that the first society is worse than the second since there is less total autonomy or freedom of conscience in the first when compared to the second.

¹⁶ See Enoch, "Against Public Reason," 133-34.

ii.

Consider a different objection. Liberal democratic majorities require neo-Nazis, other racists, and various religious extremists to accord deliberative priority to laws that are justified by appeal to fundamental values that these illiberal people believe to be false. But few of us find this to be objectionably inegalitarian. But doesn't the subordination argument implausibly entail that this is, at least to some extent, objectionably inegalitarian?

This objection is easily addressed. The subordination argument does not require the strong assumption that each person has an interest against being required to subordinate her judgments about fundamental matters *regardless of the content of her judgments*. Rather, the argument depends only on the more modest assumption that each person has an interest against being required to subordinate her judgments about fundamental matters, *provided the judgments are compatible with the protection of the same fundamental interests of others*. Those who endorse illiberal doctrines have fundamental judgments that are not compatible with the protection of others' interest in not being subordinated, and so no legitimate interest of theirs is thwarted when they are required to respect the basic rights of others. This restriction of the scope of the relevant interest is plausible and not *ad hoc*. It is valuable and important that individuals should be able to live in accordance with the dictates of their conscience, but this value is not unrestricted—nothing of value is lost when violent racists are prevented from living in accordance with their deepest convictions.

iii.

This response might invite a further objection. Even if we exclude those with clearly illiberal doctrines from the scope of the argument, many deep disagreements between citizens concern matters of justice rather than ideals of

the good. If there is an interest against being required to subordinate one's judgment about fundamental matters, doesn't this implausibly entail that every time a political community decides a question of justice in one way rather than another, this is objectionably inegalitarian since those who favor an alternative policy are required to subordinate their judgment to that of the majority?

Indeed, isn't the claim that we ought to exclude ideals from political morality itself a controversial view about justice over which many reasonable people disagree? Recall Raz's claim: "Yielding to consensual views is not a way to avoid relying on one's own views on hard moral issues. To come to the view that one should rely only on consensual principles...is to come to a moral view and rely on it...each one of us can only act for reasons we believe to justify our action. Deferring to the consensus is no exception...In deferring to the judgment of others we are still acting on our own judgment".¹⁷

This objection is a variant of what I have elsewhere called *the asymmetry objection*.¹⁸ Antiperfectionists or political liberals claim that political morality must eschew appeals to ideals of the good because reasonable people disagree about the good life. But, the critics points out, reasonable people also disagree deeply about matters of justice, yet antiperfectionists and political liberals do not object to the inclusion of controversial views about justice playing a justificatory role in political morality. To the critics, this is an indefensible asymmetry.

I offer a detailed response to the asymmetry objection elsewhere, and I won't rehearse the full response here. But regardless of whether the objection succeeds against political liberalism in general, it does not succeed when applied to the subordination argument in particular. Once illiberal persons are excluded from the constituency of concern, the remaining disagreements about justice

¹⁷ Raz, "Disagreement in Politics," 27.

¹⁸ Jonathan Quong, *Liberalism Without Perfection* (Oxford University Press, 2011), ch. 7.

occur between people who share certain fundamental convictions about the freedom and equality of persons. These fundamental convictions serve as the justificatory framework within which their disagreements about justice can be conducted. Because our disagreements about justice can be conducted within this shared framework, those whose views about justice do not prevail after a fair democratic process are not required to subordinate their fundamental convictions to alternative doctrines that they reject as false. Instead they are required to subordinate their interpretation of a shared set of values to an alternative interpretation that they can recognize as plausible. Subordinating one's views about foundational disagreements is, I believe, deeply alienating in a way that subordinating one's judgment about how best to develop or interpret shared values is not. In the latter case, one can still recognize the way the rules to which one is required to give deliberative priority reflect one's own values. There is thus a powerful *pro tanto* reason to worry about the former type of subordination but not the latter.

iv.

Here is one final objection. Even if we grant that the subordination argument succeeds, the conclusion is modest. The argument establishes that there is an egalitarian reason to favor antiperfectionism. We won't relate to our co-citizens as equals if only some members of the political community must subordinate their views about ideals to those of others. But this reason might not appear sufficiently weighty when compared to the reasons in favor of perfectionism. Who cares about equality when individual flourishing is at stake? If ideals of the good are excluded from playing a justificatory role in political morality, the state cannot aim at ensuring its citizens lead more, rather than less, valuable lives. Why disable the state from helping its citizens lead better lives for the sake of a

particular form of equality, particularly since there may be many other valuable dimensions of equality that can be preserved in a liberal perfectionist state?

There are at least two points worth making in response to this challenge. First, the objection assumes that if the state is precluded from aiming at improving the quality of its citizens' lives (where quality is measured via the correct account of human flourishing) this will have the consequence that citizens will in fact lead less valuable lives. Perhaps this will be true under implausibly idealized conditions where the state has both the requisite knowledge about the good and the effective capacity to improve persons' lives, but our experience in more realistic conditions suggests we should be extremely wary of the assumption that the state has the ability, or can be trusted, to perform this role effectively. Second, I agree that I have not shown that the subordination argument provides a decisive reason to favor antiperfectionism. This paper's aim is more modest: to show that there is an egalitarian rationale for the exclusion of ideals that is not vulnerable to the mistake about reasons objection.

VII.

Many have assumed that the argument for antiperfectionism depends, at least in part, on an appeal to equality. But the road from equality to antiperfectionism is not clearly illuminated. To some, the path from equality to antiperfectionism appears to turn on a crucial mistake about reasons for action. To advance one's ideals about the good as reasons for laws or public policies is inequalitarian because this somehow treats one's beliefs as if they are more important (or more likely to be correct) than other people's beliefs. But, as Raz and Enoch rightly point out, this rationale for antiperfectionism does not succeed.

I hope to have shown that there is a better egalitarian argument for antiperfectionism, one that doesn't confuse reasons for action with people's beliefs about reasons for action. The subordination argument makes no claims regarding the weight that it is epistemically or morally acceptable to accord to our own beliefs in the face of disagreement. Rather, what matters is whether our system of self-government allows for a more, rather than less, egalitarian protection of an important interest: the interest in not being required to subordinate one's judgments about fundamental issues that are the source of foundational disagreements in the political community. When the institutions of a political community are designed in a way that ensures this interest will be unequally protected, the members of that community do not stand as equals in an important respect.