

Convergence in the Political Liberal Community

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Abstract. In the recent literature, a number of political liberals argue that diverse members of society can realize an ideal of community if the members restrict their political deliberations to a set of considerations that all reasonable members can be expected to share qua citizens. While the political liberal proposal of deliberative restraint provides a promising start to understanding community for liberal societies, it misses the necessity of *convergence on outcomes* for community. This paper defends a convergence requirement for community, discusses how the convergence requirement necessitates qualifying deliberative restraint, and considers the implications of the convergence requirement for political discourse. It concludes by considering the possibility that convergence may be sufficient for community even in the absence of shared reasoning.

Key words: community, convergence justification, political liberalism, public justification, public reason.

With friends like that, who needs enemies?
– Joey Adams

Supporters of liberal societies are often suspicious of social ideals of community. Many think that community requires homogeneity, which conflicts with the pluralism that free societies foster.¹ Moreover, many associate community with tribalism, militarism, nationalism, and even totalitarianism. On this understanding, a desire for a society to also be a community is atavistic and dangerous to the liberal order (Hayek 2013, 271, 292, 294). It is tempting, then, to abandon community as an inappropriate social ideal and aim instead for a merely just society.² On such a view, liberal societies provide frameworks within which diverse people can form many distinct communities (Gaus 1985; Kukathas 2003, chap. 3; Nozick 1974, chap. 10; Oakeshott 1991, chap. 11). In much the same way, a liberal society provides the framework within which members form families, though the society as a whole does not realize familial ideals.

Of course, certain forms of community are not possible or desirable for a diverse, liberal society.³ But some political liberals have not abandoned community, arguing instead that diverse members of society can leverage their areas of agreement to build community.⁴

1] On the sources of pluralism, see D'Agostino (1996, 17–19), Gaus and Van Schoelandt (2015), Muldoon (2016, 1–5), Rawls (2005, sec. II.2), Vallier (2019, 20–23).

2] Levy argues that “When it comes to the fraternal solidarity aspired to by many theorists, we can’t have it, and we shouldn’t want it [...]” (2017, 107).

3] Rawls rejects the possibility of a democratic society being a community in the sense of “a body of persons united in affirming the same comprehensive, or partially comprehensive, doctrine.” (2001, 3) See also Benn (1988, chap. 12).

4] Political liberals are part of the broader public reason tradition, and some theorists in other parts of that tradition also defend ideas of community, such as Van Schoelandt (2015, sec. 4) and Wendt (2018, chap. 13).

In particular, political liberals propose that members of society restrict their political deliberations to a set of considerations that all reasonable members can be expected to share *qua* citizens. Engaging in such deliberative restraint, they argue, realizes a valuable form of community.

While the political liberal proposal of deliberative restraint provides a promising start to understanding community for liberal societies, I shall argue that it misses the necessity of *convergence on outcomes* for community. To this end, section I elaborates the political liberal conception of community. Section II defends a requirement of convergence on outcomes that are acceptable from the diverse perspectives of the members of society. Including such a requirement, however, necessitates allowing members to raise objections in political deliberation even when grounded in controversial values, contrary to the requirement of deliberative restraint. Section III considers the implications for political discourse. After section IV considers the possibility that no outcomes will achieve convergence, section V concludes by briefly considering the possibility that shared reasons may not even be necessary for community, for convergence may be sufficient even in the absence of shared reasoning.

I. THE POLITICAL LIBERAL COMMUNITY

Political liberalism encompasses a family of views holding that laws or policies must be justified by shared reasons (Watson and Hartley 2018, 76). Political liberals also endorse a requirement of deliberative restraint according to which members of society must deliberate about relevant political decisions *exclusively* in terms of shared, “public” reasons.⁵ These reasons are values that each member of society shares or recognizes as an appropriate consideration for political decisions. Leland and van Wietmarschen, for instance, state their “Reciprocity Principle” as follows: “When making political decisions, citizens must rely only on considerations that they can reasonably expect all reasonable citizens to accept.” (2017, 143) Similarly, Lister argues that “the reasons that lie behind our decisions” must be mutually acceptable, “*otherwise we exclude the reasons in question from our decision-making.*” (2013, 15; emphasis in original) Deliberative restraint thus requires not only using shared reasons in deliberation, but also excluding or “bracketing” all unshared values.⁶ Typically, in a large and diverse society, most values will not be shared, so deliberative restraint excludes most of the values that members of society hold. Public reasons, on this account, are only drawn from a shared conception of free and equal citizenship.

John Rawls discusses public reasoning in terms of a shared conception of justice (cf. Watson and Hartley 2018, 72). In what Rawls calls a “well-ordered society”, all members of society endorse the same conception of justice and effectively govern their society in

[5] Alternatively, the requirement is sometimes specified in terms of “accessible” though not necessarily shared reasons. For discussion of the different specifications, see Vallier (2014, chap. 1).

[6] On the need to ‘bracket,’ see Freeman (2007, 415) and Moon (1995, 8, 60–62).

accordance with it. I will not focus on a conception of justice, however, because political liberals do not expect that members of society will in fact share such a conception. For this reason, we cannot expect that society will be well-ordered.⁷ Insofar as the members endorse different conceptions of justice, their conceptions are not shared. To preserve the shared reasons requirement, political liberals must hold that the competing conceptions are each derived from more foundational values that *are* shared. For Watson and Hartley, public “reasons stem from reasonable political conceptions of justice,” but those conceptions “are based on the values that persons as free and equal citizens share.” (2018, 72; cf. 83) Anyone deliberating on the basis of a controversial conception of justice should be able to explain how the conception is derived from the shared values, so they are ultimately supporting policies based only on shared values. So, insofar as the members of society are required to appeal to shared reasons, we should understand their appeals to diverse principles and conceptions of justice as circuitous appeals to the underlying shared values.

Understanding conceptions of justice as relevantly standing in for shared values implies that the conceptions of justice are not themselves *necessary* for public reasoning. I take it, then, that deliberative restraint should be understood as allowing members of society to appeal in their deliberations either to controversial conceptions of justice when these are derived from shared values or directly to the shared values without formulating a conception of justice. Deliberative restraint requires shared values but not necessarily shared conceptions of justice. Indeed, political liberals often argue for particular policies without appeal to any conception of justice – e.g., Watson and Hartley’s discussion of marriage policy (2018, 84).

Political liberals disagree about how to specify their view, so I will here make certain specifications for simplicity, though my arguments apply to other specifications as well (*mutatis mutandis*). I will assume that political liberalism concerns at least all laws backed by coercive political power, rather than being restricted more narrowly to constitutional essentials (Quong 2010, 274). On the simplest political liberal view, unshared values must be entirely excluded from public political deliberation such that, as Watson and Hartley claim, “citizens have a moral duty to never appeal to their comprehensive doctrines when engaged in public reasoning.” (2018, 7; cf. chap. 3.IV) Under this specification, political deliberation is restricted to public reasons, rather than allowing members to appeal to non-shared reasons even in specially qualified circumstances. Lastly, political liberals are only interested in justification to “reasonable” people. I will assume that this is the set of members of society that seek fair cooperation with others, endorse the relevant public reasons, and give those reasons significant, though not necessarily absolute, weight in their complete

7] More precisely, we cannot expect society to be well-ordered in the sense given by Rawls (Gaus and Van Schoelandt 2017; Kogelmann 2017; Smolenski 2019), though Neufeld and Watson (2018, 53) provide an alternative understanding of a well-ordered society to accommodate justice pluralism.

perspectives.⁸ The unreasonable, then, are those who reject liberal-democratic values and are assumed to be outside of the political liberal community.

There are diverse groundings for political liberalism, such as commitment to a kind of respect, joint rule, or autonomy.⁹ In addition to these common proposals, some theorists defend political liberalism as a means to realize a social ideal of community, which is sometimes expressed alternatively in terms of friendship. Such political liberals argue that the members of a diverse society can realize a valuable ideal of community by complying with requirements of deliberative restraint for political decisions. The community-based defenses are provided either as additional support for the other groundings or because of doubts about the adequacy of the other groundings.¹⁰ In either case, the theorists present the concern for community as independent of the other sorts of grounding. My concern going forward is strictly with the community-based considerations.

On these accounts, community is not realized by merely deliberating on shared terms. Community also requires a certain kind of motivation or disposition. It would not be enough if the members appealed to shared values merely coincidentally or out of momentary strategic considerations. Community is here realized in a *commitment* to deliberative restraint through which members actively exclude values that are not shared. Mutual commitment to deliberating in terms of shared values and excluding contentious values constitutes the valuable communal motivation. We see this concern for motivation when Lister argues that “the regulation of our conduct by the principle is itself the valuable outcome, because this regulation puts us into a particular relationship with each other.” (2013, 107) Similarly, on Leland and van Wietmarschen’s account, deliberative restraint must be joined with other communal elements for the society to realize the ideal of community. In particular, Leland and van Wietmarschen hold that compliance with deliberative restraint realizes community only when members have a certain type of mutual concern (2017, 162). Let us consider what type of concern is necessary.

Leland and van Wietmarschen hold that community most fundamentally requires mutual non-prudential concern for each other’s interests (2017, 162). This does not require that the concern actually work against their prudential interests; it just requires that the motivation be not merely prudential or instrumentally egoistic. I thus take their account to be compatible with concern for reciprocity or mutual benefit. Essentially, the individuals must be responsive, rather than indifferent, to each other’s interests. For Leland and van Wietmarschen, even non-prudential concern is not sufficient. To realize community, people must also satisfy non-imposition and non-deference requirements.

8] Rawls holds that “it is left to each citizen [...] to say how the claims of political justice are to be ordered, or weighed, against nonpolitical values.” (2005, 386)

9] E.g., Larmore (1996, sec. 6.3), Quong (2010, chap. 5), Watson and Hartley (2018, 62–63). Vallier (2019, chaps. 2–3) argues that social trust supports public justification, though not of the political liberal variety.

10] E.g., Leland and van Wietmarschen (2017) argue that political liberalism realizes both joint rule and community, and Leland (2019) raises some objections to respect-based defenses of political liberalism.

On the one hand is an objectionable imposition that might be characteristic of paternalism. This occurs when one makes decisions out of concern for others but based on a conception of the good that those others reject.¹¹ We should note that this does not have to be coercive. The problem is not that you are forcing them to comply with the conception of the good; what Leland and van Wietmarschen are after has a wider scope. Consider, for instance, giving a gift. Suppose Alf thinks that it is good for people to be thin, and Betty is far from his ideal of thinness but embraces her own ideal according to which big is beautiful. Though Alf might think it would be good for Betty to lose weight, given her own views it would be objectionable for him to give her a gym membership for her birthday. It is not a rights violation or an injustice, but Alf is not being a good friend if he selects a gift solely on the basis of his conception of what is good without regard for Betty's view of the matter. Deliberating about the interests of others without regard for what they value is antithetical to community. According to Leland and van Wietmarschen's non-imposition requirement, then, community is realized only when decisions to promote the interests of others are not imposed in this way. The people being benefited must be expected to *recognize it* as a benefit.

On the other hand, members must not be unduly or inappropriately deferential; one should not reason *only* on the basis of the other's conception of the good when it is contrary to one's own. There seems to be something disingenuous about deliberating with the supposed aim of benefitting another on the basis of values you reject. In such a case, from your perspective it is not a way to benefit them. Non-deference, then, may require that Alf not give Betty donuts or other gifts that he views as detrimental.

Leland and van Wietmarschen argue that deliberative restraint facilitates diverse people acting on non-prudential concern with neither imposition nor deference. Basically, people should find what values they share and exclude the rest. Since Alf and Betty don't agree on whether thin is in or big is beautiful, they must exclude or bracket those considerations when deliberating for each other's interests. The shared values are things that each person can recognize as good, so deliberation based on them would be neither imposed nor deferential. Applying this to the political case, Leland and van Wietmarschen (2017, 146) argue that members of society should deliberate exclusively based on "a set of basic liberal-democratic values, such as freedom, equality, the rule of law, and the idea of fair social cooperation, together with a set of uncontroversial political values such as security and efficiency."¹² On their account, the shared values provide a partial conception of the good, specifically identifying the interests of the members *as citizens*. Deliberating on the basis of the shared values is meant to ensure that an individual can act in such a way that

11] Cf. Ebels-Duggan (2008, 151–53), Gaus (1985, 202), and Vallier (2019, 55).

12] Those endorsing deliberative restraint do not agree on which considerations are public reasons. For instance, Ebels-Duggan (2010, 63) includes "political values such as public health, safety, and protection of natural resources." More importantly, we should expect members of a large-scale liberal society to disagree about what are, or ought to be, the shared public reasons (Lister 2013, 131). The fact that the members of society could try to appeal to common values while appealing to different sets of values raises serious issues for deliberative restraint views, but such problems are beyond the scope of this paper.

both she and the other individual would agree is beneficial. Leland and van Wietmarschen say specifically that with the general endorsement of, and compliance with, deliberative restraint, each member can “(1) act on her non-prudential concern to benefit her fellow reasonable citizens, (2) regard the actions of those citizens as being in her interest, and (3) expect her actions to be regarded by those citizens as being in their interest.” (2017, 162) Thus, Leland and van Wietmarschen believe that deliberative restraint allows members to realize a mutual concern without imposition or deference and thus to realize an ideal of community.

The bracketing requirement highlights an important distinction. A political liberal community is *not* a society in which the members simply share a comprehensive view. The members of a thick association based in shared culture, traditions, values, religion, and philosophic views may appear to satisfy the deliberative requirements by appealing only to their shared values, but the homogeneity means that such people would not need to bracket any consideration and may all appeal to what they believe is the whole truth. Political liberals explicitly promote deliberative restraint for societies in which members have diverse perspectives, including conflicting religious, moral, and philosophic views. This approach recommends not that the members of society not have these disagreements at all, but that they actively exclude contentious considerations from their deliberations about the society’s laws.¹³

II. THE NECESSITY OF CONVERGENCE FOR COMMUNITY

Some public reason theorists, such as Gaus (2011) and Vallier (2014), defend a “convergence requirement” such that a law must be justified to each member of society given her own beliefs and values.¹⁴ That is, each individual must have conclusive reason to endorse the law or see it as acceptable from her own perspective (Gaus 2011, sec. 13). Each member must have sufficient justification, but there need not be a particular justification sufficient for each member. The members of society may have diverse reasons that converge on endorsing the law.¹⁵ Of course, convergence permits sharing reasons, but it does not require it. Members also do not have to see the law as optimal, but only as good enough to warrant endorsement. In Gaus’s (2011, sec. 16) version, a law must be better than having no morally authoritative rule for that area (given the background network of already justified rules). Often, many alternative laws meet this standard. These laws are for that individual “eligible,” and laws eligible for every member of the society are “socially eligible.”

Discerning whether a law is eligible for an individual is not simply a matter of considering what reasons she has for endorsing that law. One must also consider, from her

13] See Gaus (2011, sec. 3.2) on insulation strategies in public reason.

14] On the conception of “justification to,” see Van Schoelandt (2015, sec. 1).

15] Though the reasons do not need to be shared, they may need to be mutually intelligible (Vallier 2014, 29).

perspective, the reasons she may have for rejecting it. Even if she has defeasible reasons to endorse the law, she may have reasons that undermine or outweigh those reasons.¹⁶ That is, she may have “defeaters” and all-things-considered reason to reject the law as unacceptable. The convergence account, then, is sensitive not only to what a member would see as good or the reasons for a law, but also to the diverse members’ objections to the law and how the pros and cons relate.

We should note both what this standard permits and what it rejects. On the one hand, the convergence requirement allows laws that every member of society has reason to see as mutually beneficial or valuable. Members may disagree about how valuable a law is and how well it compares to alternatives, and they may have very different (even conflicting) reasons for seeing the laws as valuable, but they can see it as valuable nonetheless. On the other hand, the convergence requirement rules out laws that some members see as not beneficial overall even if they provide some benefit. This includes laws that some individuals have reason to see as generating more costs than benefits or even as outright oppressive.

As defended by Lister (2013) and Leland and van Wietmarschen (2017), deliberative restraint lacks a convergence requirement. Deliberative restraint requires that the members of a society deliberate on the basis of shared values, but it does not require agreement on the precise interpretation, relative ranking or weights, or application to given circumstances of those values.¹⁷ Members might, for instance, endorse competing conceptions of equality, weigh freedom against equality differently, or disagree about the likely equality-relevant effects of a proposed policy. Thus, members may deliberate in terms of shared values and yet arrive at conflicting conclusions. Of particular importance is the fact that deliberative restraint not only allows for disagreement about what outcome would be best, but also allows for outcomes that some members see as unacceptable. For instance, Lister explicitly rejects the view “that the laws themselves must pass the qualified acceptability test [...]” or face exclusion. (2013, 15) So Lister explicitly holds that deliberative restraint is sufficient for community in the absence of mutual acceptability of the outcomes. Leland and van Wietmarschen (2017) are less clear about convergence requirements, but they recognize that there will be significant reasonable disagreements about political policies, and their specification of neither the requirements of deliberative restraint nor those of community require mutual acceptability of the outcomes.¹⁸

Without a convergence requirement, deliberative restraint is not adequately sensitive to the perspectives of others. We can see this with the following simple case.

16] On defeasible reasoning, see Gaus (2011, 246–52).

17] For instance, Lister (2013, 17; cf. 146) recognizes that there will be reasonable disagreement “about the weight, application or interpretation of shared, public reasons [...]”. See also Watson and Hartley (2018, 83–84).

18] Ebels-Duggan (2010, 65) and Moon (1995, 102) each seem to implicitly accept a convergence requirement for community. For them, it seems, deliberative restraint is an important strategy for realizing community, but it is not sufficient when the outcomes are unacceptable from some members’ comprehensive views.

Fur Coat: Alf follows the requirements of deliberative restraint, identifies values that he shares with Betty, such as fashion, and selects a gift in accordance exclusively with these values. In particular, Alf gets Betty a fashionable fur coat. Because Betty, unlike Alf, subscribes to religious and philosophic doctrines morally opposed to fur clothing, she finds the gift unacceptable.

Though Alf has a sufficient *pro tanto* reason based in shared values to give Betty the coat, her perspective provides defeater reasons for that decision. In this case, she could not even get the benefits of fashion from the coat, since she would refuse to wear it, and it seems to her to have overwhelming moral costs. It is not that the gift is simply suboptimal, as if Betty thought a different coat would better fit her wardrobe. Instead, Betty finds the gift unacceptable, even repulsive. Having the coat would be harmful to her interests given her moral commitments.

In this case, Alf is not adequately sensitive to the fact that this gift is not beneficial for Betty despite the *pro tanto* justification for it in terms of their shared values. How this relates to their friendship depends on Alf's epistemic position. If Alf knew in advance about her moral objections and ignored or bracketed them, then his gift would obviously fail to realize an ideal of friendship or community; giving Betty the fur coat in full awareness of her objection is more of a cruel joke. If he did not know in advance about Betty's anti-fur moral commitments, we would still expect him to be sensitive to her objections in other ways. For instance, when she voices her objection to the gift, he should recognize that it was in fact not a good gift for her. It would be inappropriate, even bizarre, for him to instead demand that she bracket her moral views and accept the coat. Likewise, when he becomes aware of her objection, this should affect his future decisions, so he should not get her another fur garment next year. Lastly, even if he does not know about her moral objections, if he is properly sensitive to her perspective he will at least have a reasonable degree of alertness to the possibility of defeaters from her perspective. This is especially so if Alf already has evidence that it is significantly likely that Betty would have such defeating considerations (e.g., if he knows that she is a vegetarian and has voiced deep opposition to product testing on animals). If Alf is unsure, then he should ask Betty or otherwise investigate. Given the nature of gift giving, he might not let on why he is asking about her views on wearing fur, but he can raise the subject and find out her view. An unwillingness to investigate would be irresponsible of him, and overall such insensitivity would show that he does not really care or does not care in the right way.

When Alf knows that the fur coat is unacceptable for Betty, he should take consideration of the coat off the deliberative table. He should exclude that outcome because it is not eligible for Betty. He might still use the shared reasons as a basis for generating alternative gift options, but he must consider which are eligible rather than defeated. That is, he needs to consider what alternatives satisfy the convergence requirement. This may mean selecting a gift that does less well in terms of their shared values, such as a less fashionable

denim jacket, but convergence takes clear priority here. Merely deliberating on the basis of shared values is not sufficient for realizing community without such sensitivity to the comprehensive perspectives of others.

Members of society need not ensure that their political decisions are optimal, but they should work to ensure that those decisions are acceptable for all. This means taking options off the table that reasonable fellow members find unacceptable. This will sometimes require that a member support a policy she thinks is inferior to another in terms of members' shared values. The point of the deliberation should not be to promote those values maximally, but to provide mutually recognizable benefits even if that comes at some expense to shared values.

Considering the non-imposition requirement further illuminates the necessity of convergence. This requirement reflects the need for sensitivity to others' perspectives and the need for mutual recognition of benefits. Making decisions supposedly in another's interests while disregarding her own view on the matter is corrosive of community. We saw that it is inappropriate for Alf to give Betty the gym membership because Betty does not share Alf's aesthetic values. The same problem arises if Alf gives Betty the fur coat. The coat seems to Alf to be a good gift because he values fashion and has no qualms about fur, but despite Betty's sharing an appreciation of fashion, she is deeply opposed to the fur. For Alf to disregard Betty's perspective on the morality of fur is to assert his own understanding of her interest in disregard of her reasonable disagreement. To intentionally ignore the objections of others would be as much a community-negating imposition as to rely on a conception of the good that they reject.

There is an important lesson here about deliberating on the basis of a shared partial conception of the good. Though it may help Alf's deliberation to consider Betty's interests in fashion, he cannot rest satisfied having benefitted Betty *qua fashionista* while giving her a coat she finds morally abhorrent. That gift does not actually benefit Betty even if it does benefit her *qua fashionista*. For political community, even if it makes sense to try to benefit people *qua citizens*, we cannot try to benefit them merely *qua citizens*.¹⁹ We must remain sensitive to the fact that they are full people with broader perspectives. Even if we focus on benefitting them as citizens, we must still be interested in benefitting them as individuals. The point of conceiving of their interests as citizens is to facilitate, not replace, benefitting them.

III. POLITICAL CONVERGENCE

Political community may seem significantly different from personal friendships or other intimate relations insofar as the scale of politics introduces new challenges. The members of a large and highly heterogeneous society are poorly positioned to understand each other's perspective and assess whether convergence obtains. Political liberals may wish to reject a convergence requirement in light of the epistemic difficulties.

[19] Ebels-Duggan (2010, 69) makes a similar point in criticizing Freeman (2006).

These epistemic difficulties are serious, but it would be a mistake to abandon convergence. Most centrally, we saw that proper concern for not imposing on others requires the sensitivity to their perspectives that the convergence requirement expresses. To reject a convergence requirement would be to reject the need for this sensitivity and thus to altogether reject community for the liberal society. It is, however, also important to notice that it matters what the members are aware of, alert to, sensitive to, and disposed to account for or disregard. Alf's gift may still realize community if he at least tries to achieve convergence, even if he missteps and his best efforts lead to a gift that fails the convergence requirement. But for Alf to willfully disregard considerations that he knows make the option unacceptable to Betty is antithetical to community. The same is true for members of society at large. The epistemic difficulties will make for more occasions in which reasonable efforts at convergence are not successful, but it matters for community whether the members make the efforts.

Furthermore, one should not exaggerate the difficulties. Even in vast and diverse societies, members often know about the objections of other members to policy options. For instance, if considering military conscription in the United States, it is well known that there are religious pacifists.²⁰ It is not hard to know that pacifist members of society must reject a policy that conscripts them into combat, even if shared values such as equality and security support the policy. Someone supporting conscription of other members in willful disregard of their pacifism cannot, in Leland and van Wietmarschen's words, "expect her actions to be regarded by those citizens as being in their interest." (2017, 162)

Importantly, however, a member of society needs some method for discovering the relevant considerations from the perspectives of others. Since a member cannot rely on mere reflection to check for defeating considerations in others' perspectives, she depends on others' actually communicating such considerations. The diverse members must be free to voice their concerns and raise their objections, even when these come from their comprehensive views and thus involve unshared values. The members cannot expect each other to bracket or be silent about these concerns, any more than Alf could expect Betty to bracket or be silent about her views on the morality of fur. Dialogue among the members regarding political decisions, then, cannot exclude unshared considerations and thus cannot occur exclusively in terms of shared values.

There are two qualifications to note here. First, I am only arguing that the members must be free to raise, and be mutually sensitive to, considerations that may defeat a proposal. This does not imply that members could appropriately appeal to their controversial conceptions of the good to justify imposing policies that are unacceptable to others. The asymmetry between reasons for and reasons against a proposal is already apparent in Alf's decision-making. The fact that he must be sensitive to Betty's unshared moral values and *rule out* the fur coat does not mean that he can include his unshared "thin is in" values

20] Vallier and Weber (2018) and Van Schoelandt (2018) discuss pacifists. Clifford (2011, sec. II) provides Rawlsian reasons for permitting selective conscientious objection.

to positively justify selecting the gym membership. The convergence requirement here is removing outcomes that would be unacceptable for some members, but the members are still under the non-imposition requirement. Second, I am here only arguing that the deliberation must allow the considerations that rise to the level of making an outcome ineligible. Convergence regards whether the outcome is acceptable, not necessarily best. I am thus not arguing that a member must be sensitive to every possible consideration that others may have, but only the considerations that may make an outcome unacceptable. The proposal, then, is that deliberative restraint must make allowances for members of society to raise unshared considerations against a proposal when these considerations make the proposal unacceptable. Excluding or silencing those considerations would be antithetical to community.

Though I have emphasized the defeaters from unshared values, it is worth noting that the members should be sensitive to defeating considerations grounded in the shared values themselves. In particular, just as deliberating from shared values does not guarantee reaching the same decisions, it does not guarantee that the decisions will be mutually acceptable. Disagreement about the precise interpretations, relative weights, and applications of the values generates disagreement about which decision is best and at times even about which are acceptable. A member of society must be sensitive to the fact that other members may find a decision unacceptable in light of their own understandings of the shared values and the facts relevant for the case. So, for instance, some members may, on the basis of shared values and their beliefs about the effects of markets and redistributive policies, defend a radically libertarian system of strong private property rights along with very minimal economic regulations or redistributive programs (Lomasky 2005; Tomasi 2012; Vallier 2017). Other members may anticipate that such policies would be disastrous for poor people and thus find this proposal unacceptable (Gaus 2010, sec. VI.B.). The disagreement is within the confines of the shared values, rather than arising from unshared values, but the proposal is still unacceptable for some members. The dissenting members could not be expected to see such a policy as beneficial, so for the proposer to insist upon it would fail to realize community.

This suggests that political liberals should adjust the requirement of deliberative restraint. Even if shared values provide *pro tanto* justifications for a policy, the members of society need to know whether any member has a defeater for the decision. In exactly the sort of large-scale society for which political liberals think deliberative restraint is necessary, such restraint would also be dangerous if not qualified to allow members to voice their objections grounded in their comprehensive conceptions of the good.

IV. EMPTY SETS

It may seem that convergence will often be unachievable. In some cases, the diverse members of society may have defeating considerations for every alternative, so the socially eligible set may be empty. While some may see the possibility of empty sets as an objection

to requiring convergence, I would emphasize that an empty eligible set can indicate something normatively important.²¹ An empty eligible set often implies that nothing should be done. Sometimes doing nothing is best for realizing community. If Alf found that every gift he considered was defeated from Betty's or his own perspective, then it might be best for him to simply give no gift at all rather than one that is imposing or disingenuous. That may be unfortunate, but life is unfortunate sometimes. If this occurs often, Alf and Betty are likely to simply agree to not bother trying to get each other gifts, but that doesn't mean that they don't realize community in other activities. The same applies in political contexts. The government should, for instance, not establish any official state church, since none of the options would be socially eligible. Though we cannot know in advance how often people will be able to find mutually acceptable decisions, it would not be surprising if community in a diverse society is best realized with a considerable degree of policy minimalism. The community will in some ways be thin, as by focusing on defense of the basic liberties and forgoing many peripheral activities that, like official churches, are bound to be not only controversial but for many unacceptable.

Moreover, while empty sets are possible, we should not exaggerate their likelihood. Political liberals should expect members who share the liberal values to often find mutually acceptable options, particularly for cases in which the values are highly implicated. Insofar as all find values such as freedom, equality, and security important, we should expect that the members of society will not typically have defeating considerations for every alternative. Even individuals that have defeaters for some alternatives will find some others eligible. In fact, when the liberal values are highly at stake, we should expect the individuals to find many possible policies eligible. Here we must keep in mind that the standard is not optimality, but acceptability, and people typically find far more policies acceptable than optimal.

Polycentrism and subsidiarity can often facilitate convergence since policies may satisfy the convergence requirement at a local scale even if not for the society as a whole. Members of society sensitive to the perspectives of others can thus respond to a lack of convergence at one level by considering related policies with narrower jurisdictions and thus avoid imposing the law on those for whom it is unacceptable.²² And, of course, even where no law is justified, the members of society may be free to pursue the values through non-state ventures. The lack of agreement on a state church, for instance, merely defeats policies for any state-established church, but many members of society organize and associate to form churches within civil society. Members of a diverse society can often preserve and promote community by pursuing their aims non-politically.

21]Shadd (2016) argues that convergence cannot be required for coercion because the requirement produces an empty set.

22]Van Schoelandt (2018) considers accommodations, such as religious exemptions, in terms of restricting the relevant jurisdiction of a law.

Though I think that a significant variety of policies establishing and protecting basic liberties are socially eligible for liberal-democratic societies, this cannot be guaranteed. Were there no mutually acceptable possibilities, this would not show that community does not require convergence or that community can be realized through mere deliberative restraint. Instead, it would show that community, on the present analysis, is not possible for that society. Diversity seems to undermine community in that society. Political decisions, in such a society, would be imposed upon some. The imposition may be justified overall, but its justification does not ensure that it is a realization of community.²³

Where political decisions are to be made without convergence, the value of community still seems to support striving to minimize harm. For instance, while all military policies may be unacceptable to certain pacifists, it would be particularly noxious to conscript them into combat. When we are imposing on others, the value of community supports imposing lighter rather than heavier burdens. This brings out the fact that community comes in degrees and community is preserved better if members deliberate in a way that is to a significant degree sensitive to the perspectives of those imposed upon. In these cases, even if community is not fully realized, the members may be able to at least avoid relations of cold indifference or outright hostility. Moreover, a failure to realize community in one decision does not mean that community cannot be realized in many other decisions or in the institutions overall. Members of society should not, when faced with having to make some decisions without convergence, simply abandon sensitivity in that or other decisions. It would be an unnecessary sacrifice of community if they did not remain alert to the convergence alternatives when available.

V. THE CENTRALITY OF CONVERGENCE FOR COMMUNITY

Up to this point I have assumed that political liberals are correct in holding that shared reasons are necessary for community, though I have argued that such reasons are not sufficient. This leaves open the importance of shared reasons vis-à-vis private reasons for realizing community. One might think that shared reasons are much more important and convergence reasoning is of little significance. In contrast, I argue that convergence reasoning is foundational and shared reasons are not necessary for community.

This is brought out in a case of friendship-exemplifying gift giving. In the television show *Parks and Recreation*, antisocial Ron worries that hyper-social Leslie will throw him a big surprise birthday party (Holofcener 2011). In the end, Leslie does surprise Ron, but with a room where he can be alone to eat a steak dinner and watch *The Bridge on the River Kwai* and *The Dirty Dozen*. Ron expresses his surprise, and relief, saying: “Ann said you had a big party—sombreros, karaoke.” Leslie exemplifies a fundamental aspect of friendship when

23] Lister (2013, 129), Leland (2019, sec. 5), and Van Schoelandt (2015) each hold that the concern about community may be outweighed by other considerations. Though not in terms of community, Friberg-Fernros (2010, 39) defends understanding public justification as a “mere ambition” or “a mere goal or a prima facie duty.”

she replies, “Yeah, I did that for Ann. Why would I throw Ron Swanson an Ann Perkins party?” Leslie is sensitive to the fact that Ron would appreciate *this* surprise but would not have appreciated the sort of surprise that would be suitable for Ann. Leslie’s sensitivity is essential to her friendship and ensures that she does not impose on Ron. And it seems safe to assume that Leslie is not merely deferring. Leslie would not, for instance, give Ron high explosives, even though he would see that as a good gift.²⁴ Instead, she finds a surprise that Ron and she could converge upon in judging to be good.

At no point does Leslie indicate any shared values that were the basis of her reasoning. Moreover, it does not matter whether she did reason from shared values. The important thing is that the gift is something that both can recognize as good. While it is possible that we could discern what values they share, nothing hangs on whether Leslie considered any shared values. If Leslie reasoned through convergence, there is no threat to community. Suppose Leslie started by writing a big list of things that Ron would like without worrying about what values would justify them, and then she ruled out anything (such as explosives) that she could not support with her own values. In doing this, she was discerning what options are socially eligible, and for that task she did not need to be concerned with whether an option is eligible for her and Ron for the same reasons. Maybe she thought *The Dirty Dozen* is good *because it is a classic film*, while Ron thought it is good *because it is a war movie*. The important thing is that in her reasoning she was sensitive to Ron’s own perspective and settled on an option that both could recognize as good. While sensitivity to convergence is necessary for realizing community, shared reasons are not.

What the example highlights is that convergence is the real heart of community. The convergence approach to public reason calls on members of society to be empathetic and work to really understand each other’s perspectives. To realize community in a diverse and liberal society, we must foster and maintain mutual understanding, rather than recognizing only what people share and silencing other aspects of their diverse perspectives.

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REFERENCES

- Benn, Stanley I. 1988. *A Theory of Freedom*. Cambridge: Cambridge University Press.
 Clifford, George. 2011. Legalizing Selective Conscientious Objection. *Public Reason* 3 (1): 22–38.
 D’Agostino, Fred. 1996. *Free Public Reason: Making It Up As We Go*. New York: Oxford University Press.

²⁴ In one episode (Miller 2011), Ron gives a nine-year-old a Claymore mine as a gift so that she may “[u]se it to defend [her] property.”

- Elbels-Duggan, Kyla. 2008. Against Beneficence: A Normative Account of Love. *Ethics* 119 (1): 142–70.
- . 2010. The Beginning of Community: Politics in the Face of Disagreement. *Philosophical Quarterly* 60 (238): 50–71.
- Freeman, Samuel. 2006. Public Reason and Political Justification. In *Justice and the Social Contract: Essays on Rawlsian Political Philosophy*, 215–57. New York: Oxford University Press.
- . 2007. *Rawls*. London; New York: Routledge.
- Friberg-Fernros, Henrik. 2010. Abortion and the Limits of Political Liberalism. *Public Reason* 2 (1): 27–42.
- Gaus, Gerald. 1985. On Justice and Community: A Reply to Professor Golding. *Bulletin of the Australian Society of Legal Philosophy* 9: 197–204.
- . 2010. Coercion, Ownership, and the Redistributive State: Justificatory Liberalism's Classical Tilt. *Social Philosophy and Policy* 27 (1): 233–75.
- . 2011. *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. New York: Cambridge University Press.
- Gaus, Gerald, and Chad Van Schoelandt. 2015. Public Reason. In *International Encyclopedia of the Social and Behavioral Sciences: Second Edition*, edited by James Wright, 591–596. Elsevier.
- . 2017. Consensus on What? Convergence for What?: Four Models of Political Liberalism. *Ethics* 128 (1): 145–72.
- Hayek, F. A. 2013. *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*. Revised in One Volume. New York: Routledge.
- Holofcener, Nicole. 2011. "Eagleton". *Parks and Recreation*.
- Kogelmann, Brian. 2017. Justice, Diversity, and the Well-Ordered Society. *Philosophical Quarterly* 67 (269): 663–84.
- Kukathas, Chandran. 2003. *The Liberal Archipelago: A Theory of Diversity and Freedom*. New York: Oxford University Press.
- Larmore, Charles. 1996. *The Morals of Modernity*. Cambridge: Cambridge University Press.
- Leland, R. J. 2019. Civic Friendship, Public Reason. *Philosophy & Public Affairs* 47 (1): 72–103.
- Leland, R. J., and Han van Wietmarschen. 2017. Political Liberalism and Political Community. *Journal of Moral Philosophy* 14 (2): 142–67.
- Levy, Jacob T. 2017. Against Fraternity: Democracy without Solidarity. In *The Strains of Commitment: The Political Sources of Solidarity in Diverse Societies*, edited by Keith Banting and Will Kymlicka, 107–24. New York: Oxford University Press.
- Lister, Andrew. 2013. *Public Reason and Political Community*. New York: Bloomsbury.
- Lomasky, Loren E. 2005. Libertarianism at Twin Harvard. *Social Philosophy and Policy* 22 (1): 178–99.
- Miller, Troy. 2011. "Road Trip." *Parks and Recreation*.
- Moon, J. Donald. 1995. *Constructing Community*. Princeton University Press.
- Muldoon, Ryan. 2016. *Social Contract Theory for a Diverse World: Beyond Tolerance*. New York: Routledge.
- Neufeld, Blain, and Lori Watson. 2018. The Tyranny – or the Democracy – of the Ideal? *Cosmos + Taxis* 5 (2): 47–61.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Oakeshott, Michael. 1991. *On Human Conduct*. New York: Clarendon Press.
- Quong, Jonathan. 2010. *Liberalism without Perfection*. New York: Oxford University Press.
- Rawls, John. 2001. *Justice as Fairness: A Restatement*, edited by Erin Kelly. London; Cambridge, MA: The Belknap Press of Harvard University Press.

- . 2005. *Political Liberalism*. New York: Columbia University Press.
- Shadd, Philip D. 2016. Why Nothing Is Justified by Justificatory Liberalism. *Public Reason* 6 (1–2): 3–20.
- Smolenski, Phil. 2019. Reorienting Justice: Stability after the Political Turn. Doctoral Thesis. Queen's University.
- Tomasi, John. 2012. *Free Market Fairness*. Princeton: Princeton University Press.
- Vallier, Kevin. 2014. *Liberal Politics and Public Faith: Beyond Separation*. New York: Routledge.
- . 2017. Rawlsianism. In *Arguments for Liberty*, edited by Aaron Ross Powell and Grant Babcock, 161–202. Washington, D.C: Cato Institute.
- . 2019. *Must Politics Be War?: Restoring Our Trust in the Open Society*. New York: Oxford University Press.
- Vallier, Kevin, and Michael Weber, eds. 2018. Introduction. In *Religious Exemptions*, 1st edition, 1–8. New York: Oxford University Press.
- Van Schoelandt, Chad. 2015. Justification, Coercion, and the Place of Public Reason. *Philosophical Studies* 172 (4): 1031–50.
- . 2018. A Public Reason Approach to Religious Exemptions. In *Philosophy and Public Policy*, edited by Andrew I. Cohen, 61–78. Lanham: Rowman & Littlefield International.
- Watson, Lori, and Christie Hartley. 2018. *Equal Citizenship and Public Reason: A Feminist Political Liberalism*. New York: Oxford University Press.
- Wendt, Fabian. 2018. *Compromise, Peace and Public Justification: Political Morality beyond Justice*. Palgrave Macmillan.