Political Liberalism's Skeptical Problem and the Burden of Total Experience

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Abstract:

Many accounts of political liberalism contend that reasonable citizens ought to refrain from invoking their disputed comprehensive beliefs in public deliberation about constitutional essentials. Critics maintain that this 'refraining condition' puts pressure on citizens to entertain skepticism about their own basic beliefs, and that accounts of political liberalism committed to it are resultantly committed to a position – skepticism about conceptions of the good – that is itself subject to reasonable disagreement. Discussions in the epistemology of disagreement have tended to reinforce this critique, which has come to be known as political liberalism's skeptical problem. This paper responds to the skeptical problem by providing a novel rationale to the refraining condition, which I call the burden of total experience. Such a burden emphasizes that full communication of the basis of individual belief is not always possible, even between epistemic peers. Accepting the burden of total experience allows individuals to recognize the reasonableness of the refraining condition in a way that stops the slide to skepticism, all while avoiding, or so I argue, relying on a problematically controversial explainer for disagreement.

Keywords:

Political liberalism; disagreement; epistemic peers; skepticism; burdens of judgement

"[T]here are many truths of which the full meaning *cannot* be realized, until personal experience has brought it home."

– J. S. Mill, *On Liberty*, Ch. II §31.

I – Introduction

Accounts of political liberalism are concerned with finding political principles that are universally acceptable within a society whose members routinely and deeply disagree on matters about value

and the good. Put more formally, political liberals are committed to the following two principles:

> ***Political Justification*:** for a society's political principles and decisions to be legitimate they must be supported by considerations that are acceptable to all its (reasonable) members.[1]

And:

> ***Reasonable Disagreement*:** an enduring feature of modern liberal democracies is the existence of deep and reasonable disagreement over a wide range of ethical, religious, and philosophical matters.[2]

For the political liberal, even if the 'nonideal' explainers for disagreement were removed (errors in individual reasoning, the spread of misinformation, arguing in bad faith), deep disagreement would continue as it is taken to be an inevitable consequence of reasoning under conditions of freedom. It is the dual commitment to Political Justification and Reasonable Disagreement that explains why political liberals insist political principles and decisions are only legitimate when they remain neutral between competing comprehensive conceptions of the good.[3]

[1] My wording here is similar to van Wietmarschen 2021, 354. But for similar articulations, see: Gaus 1996, 3; Larmore 1996, 137.

[2] Rawls 2005, 175; Cohen 2009, 5; Leland and van Wietmarschen 2012, 722; Landemore 2017, 277.

[3] In this paper I use the term 'political liberalism' to capture those accounts committed to Political Justification and Reasonable Disagreement. Alternative classifications include 'justificatory liberalism' and 'public reason' views.

For many accounts of political liberalism, this insistence on neutrality is understood in terms of independence – neutral (and so publicly justified) principles and decisions are those that are supported by reasons that are independent from any contentious comprehensive conception of the good. John Rawls's characterization of a political conception of justice being the subject of an overlapping consensus among society's members is an influential example, as the consensus derives not from striking a balance between competing comprehensive conceptions but instead develops as its own "freestanding view."[4]

Characterizing neutrality in terms of independence has implications for the behaviour expected of citizens in public deliberation, and commits an account to:

> ***Refraining Condition*:** Citizens must refrain from appealing to beliefs within their own comprehensive conceptions when in deliberation with other citizens about public matters (i.e., those matters that refer to constitutional essentials and matters of justice as applied to the basic structure).[5]

[4] Rawls 2005, 39-40.

[5] For important articulations of *Refraining Condition*, see: Larmore 1987, 54; Rawls 2005, 224-225; Quong 2007, 321; Cohen 2009, 4-5. While Rawls's subsequent proviso slightly weakens *Refraining Condition* by permitting an initial appeal to controversial beliefs in public deliberation, it still requires public reasons to be given "in due course." See Rawls 1997, 783-87. Public deliberation should not be confused with political discussion in the "background culture," where no such neutrality-based restrictions apply. See Rawls 1997, 768.

By limiting the content of public deliberation to shared considerations – such as widely held political values, common sense reasoning, and uncontroversial scientific conclusions – *Refraining Condition*, the argument goes, makes progress towards lasting agreement on constitutional essentials more likely. If deliberation was instead based on the controversial beliefs making up comprehensive conceptions, then even if individuals were well meaning they might not get anywhere, as "[o]n these matters of supreme importance, the more we talk with one another, the more we disagree."[6] Somewhat naturally then, political liberals often take the acceptance of *Refraining Condition* as a condition of the reasonable,[7] or at least as a duty of civility.[8]

This paper focuses on one problem that critics allege applies to accounts of political liberalism that feature *Refraining Condition*. The ostensible problem is that accepting *Refraining Condition* gives individuals a reason to have skepticism about the truth of their own comprehensive beliefs.[9] This concern about skepticism is especially sharp if *Refraining Condition*'s acceptance involves an acknowledgement that it is epistemic credentials of others' beliefs that (at least partly) explains

[6] Larmore 1996, 122.

[7] Quong 2011, 181-182; Quong 2007, 322; Estlund 2008, 61.

[8] Rawls 2005, 217.

[9] By comprehensive belief I mean a belief about a moral, religious, or philosophical matter that forms a core (or in some circumstances the core) part of a wider comprehensive doctrine (such as a belief that the nature of God is single and indivisible, the most important ethical value is autonomy, life has no meaning, and so on). I elaborate some more on this in §III. Nothing I say in this paper denies that non-doxastic attitudes such as emotions or habits also make up comprehensive doctrines.

why invoking one's own belief in public deliberation would be inappropriate.[10] For if that's the case, doesn't that suggest some humility on my part is in order?

If such a charge sticks, then this would be a serious issue for accounts of political liberalism committed to *Refraining Condition* as they would be favouring a position – skepticism about the truth of comprehensive beliefs – that is itself subject to reasonable disagreement. Hence, such accounts would seemingly be promoting a position that is incompatible with *Political Justification*. Because that outcome is something no political liberal could happily accept, this has come to be known as political liberalism's 'Skeptical Problem.'

This paper explores the extent to which a novel rationale for accepting *Refraining Condition* can provide a way out of the Skeptical Problem. This rationale I call the 'burden of total experience.' If relying on the burden of total experience is to succeed as a response to the Skeptical Problem, then what most obviously needs to be shown is that accepting it gives individuals good reason to acknowledge the reasonableness of *Refraining Condition*, all in a way that doesn't also suggest they have good reason to be skeptical about the truth of the comprehensive beliefs they endorse.[11] But additionally, relying on the burden of total experience will only be successful if doing so can meet the standard of *Political Justification*. If the burden of total experience avoids skepticism only by bringing in a commitment to some other controversial position, then this is no solution for

[10] For accounts of political liberalism that put importance on accepting the epistemic reasonableness of others' beliefs, see: Nagel 1987, 227ff.; Gaus 1996, 130-158; Price 2000, 401-407; Quong 2007; Leland and van Wietmarschen 2012; Peter 2013; Landemore 2017.

[11] Although it does of course need to be compatible with attitudes of skepticism.

the political liberal at all. I will argue that the burden of total experience can meet both these demands.

In developing a response to the Skeptical Problem, the argument of this paper will have several implications for political liberalism more widely. This is because, first of all, by focusing on the *Refraining Condition*'s rationale, this paper will be specifying an answer to the question of what grounds the concern that political principles, and deliberation about those principles, are universally acceptable in the first place. And it is the different answers to that question that determine many of the features an account of political liberalism ends up taking, such as the degree of idealization applied to the individuals that make up the constituency and the disagreement that defines it, as well as what it means for a principle or decision to be acceptable to individuals.[12]

Second, because the rationale for *Refraining Condition* I will give offers an explanation as to *why* reasonable disagreement occurs in the first place, the argument contributes to debates about the appropriate role of epistemology within political liberalism. After all, the use of epistemological considerations to ground or explain components of political liberalism has faced increasing criticism of late. In the words of David Enoch, "public reason theorists are better off not relying on epistemology at all … the amateurish epistemology they do gets them in trouble."[13] Running up against the Skeptical Problem seems a case in point. Especially given alternative approaches are available which, by ostensibly putting the rationale for *Refraining Condition* in non-epistemic

[12] See Billingham and Taylor 2022, 675-677; Billingham and Taylor 2023, 26-27.

[13] Enoch 2017, 160. For the more tempered claim that political liberals need to say more about their epistemological commitments, and doing so can make them more defensible, see Tahzib 2023, 606-607.

terms (say, in terms of respect for others or concerns about political community), can seemingly sidestep the problem. But as we will see, dropping epistemology from the *Refraining Condition* in this way does not come without costs, and there remains reasons to be concerned with responding to the Skeptical Problem without completely eschewing epistemic considerations. If successful, my argument suggests there can be merit in maintaining epistemological considerations as part of a political liberalism framework.

And third, the paper's argument will contribute to debates about the relative attractiveness of two major competing accounts of political liberalism – consensus and convergence views.[14] This is because while consensus accounts are committed to *Refraining Condition* given they characterize neutrality in terms of independence in the way I outlined above (i.e., as independence from conceptions of the good), convergence accounts can eschew any commitment to *Refraining Condition* because they characterize neutrality differently. For convergence accounts, neutral principles and decisions are just those that can be supported by reasons acceptable to each member, including reasons that are internal to comprehensive doctrines.[15] Public justification for convergence accounts then only requires that for each individual there is some reason that supports political principles, it does not require shared reasons. And so, for this approach no commitment to *Refraining Condition* is necessary because in putting forward reasons in public deliberation that are internal to comprehensive conceptions, individuals are still likely to be offering reasons that are acceptable to at least some of their fellow citizens. The Skeptical Problem then only applies to

[14] See Billingham and Taylor 2022, 674-675; Lister 2018, 68-70.

[15] Gaus and Vallier 2009, 51-76; Billingham 2017, 541-564.

consensus accounts, and so the latter's relative attractiveness will be directly affected by the extent to which it sticks.

The paper proceeds as follows: I first outline the nature of the Skeptical Problem and how it seemingly applies to any epistemic rationale for *Refraining Condition*, and why there are costs to sidestepping the problem by throwing epistemology out of an account of political liberalism (§II). I then offer a reconstruction of the burdens of judgement and argue a key explainer of deep disagreement is the way comprehensive beliefs are impacted by citizens' different formative experiences, the total meaning of which cannot be fully communicated to those without the experience (§III). Such an account can offer a novel epistemic rationale for *Refraining Condition* that is acceptable across the range of comprehensive doctrines, by characterizing the disagreements relevant to political liberalism as disagreements between epistemic peers (§IV). While some discussions of peer disagreement might suggest that in this account individuals ought to lower their confidence in the truth of their comprehensive beliefs, the incommunicability of formative experiences stops the slide towards skepticism and makes it coherent for persons to remain no less confident in the truth of their beliefs (§V). I conclude by discussing the scope of the argument and responding to an objection (§VI).

II – The Skeptical Problem

Given there is reasonable disagreement about the epistemic appropriateness of skepticism towards comprehensive beliefs, political liberals are often at pains to assure that their accounts and the

justifications they offer do not rely on any such skeptical attitudes.[16] As Rawls memorably puts it, "political liberalism … does not argue that we should be hesitant and uncertain, much less skeptical, about our own beliefs,"[17] for "[s]uch skepticism or indifference would put political philosophy in opposition to numerous comprehensive doctrines, and thus defeat from the outset its aim of achieving an overlapping consensus."[18]

Yet this assurance is precisely what is questioned by those who think certain variants of political liberalism (viz., those relying on *Refraining Condition*) suffer from the Skeptical Problem.[19] The Skeptical Problem presents political liberals with a dilemma, and contends that the use of *Refraining Condition* inevitably ends up committing an account of political liberalism to a position that is subject to reasonable disagreement. The first horn is that when the rationale for *Refraining Condition* is epistemic – i.e., when individuals recognize the unacceptability of invoking their own disputed beliefs in public partly as a result of the epistemic credentials of the contrary beliefs of others – then this, at the same time, implicitly favours a slide to skepticism. For if in public deliberation I accept that my own comprehensive belief is not good enough for others, then why do I think it is good enough for me? Can I reasonably remain completely confident that *I* am the

[16] An exception is Brian Barry, who thinks the most stable rationale for *Refraining Condition* is "moderate skepticism." See Barry 1995, 168-173.

[17] Rawls 2005, 63.

[18] Rawls 2005, 150. See also Rawls 2001, 184; Nagel 1987, 229; Larmore 1996, 122, 126, 171-174.

[19] For suggestions political liberalism might suffer from a skeptical problem, see Leland and van Wietmarschen 2012, 744-746; Peter 2013. For the stronger conclusion that it does, see Enoch 2017; van Wietmarschen 2018, 486-507. The lineage of these arguments can be traced to several earlier criticisms against the internal coherence of *Refraining Condition*, such as Raz 1990, 3-46; Alexander 1993, 763-797; Barry 1995, 177-188; Wenar 1995, 41-48.

one that has got it right? And inversely: if my comprehensive belief is good enough for me, then why would it be unreasonable to invoke in public deliberation with others? It seems here accepting *Refraining Condition* is at odds with full confidence in one's own comprehensive belief. Indeed, for each of the commonly found rationales for *Refraining Condition* with an epistemic component, including the burdens of judgement, universal disagreement, and epistemological restraint,[20] there exists specific charges that skepticism is favoured or is required on pains of epistemic consistency.[21]

Now, it is worth noting that the ostensible issue here is not that political liberalism requires individuals to hold skeptical attitudes as a condition of reasonableness, or even that within its institutions individuals will likely come to hold skeptical attitudes, but instead that there exists in political liberalism a kind of internal inconsistency in justification.[22] This is because the claim behind the Skeptical Problem is that the same considerations that provide individuals a reason to endorse *Refraining Condition* – viz., the epistemic credentials of others' comprehensive beliefs – also provide a reason to be skeptical about the truth of comprehensive beliefs. And this is a problem for political liberalism, because if *Refraining Condition*'s rationale relies on a consideration that also favours skepticism – even if only implicitly – then demands of publicity mean it will be unable to satisfy Political Justification and its requirement of universal acceptability. This is because if

[20] See respectively: Rawls 2005, 56-57; Leland and van Wietmarschen 2012; Nagel 1987, 229-231.

[21] The reasoning behind why the burdens of judgement might imply skepticism follows in the main text, with an equivalent discussion of universal disagreement occurring in §V. The issue with Nagel's epistemological restraint is that it avoids skepticism only by relying on different epistemic standards for private and public beliefs, a difference that many writers take as unjustifiably arbitrary. See: Barry 1995, 177-188; Raz 1990, 36-43; Enoch 2017, 156-158.

[22] Van Wietmarschen 2018: 499-500.

epistemic considerations are to have a part in an account of political liberalism – I will defend the merits of this shortly – the political liberal cannot just cherry pick the implications that flow from their inclusion that fit their story (they give a reason to refrain in public deliberation) while ignoring those that don't (they also give a reason to be skeptical about the truth of comprehensive beliefs).

Given my account is based on a recharacterization of the burdens of judgement, it is worth outlining how their acceptance in particular is taken to give individual's a reason to be skeptical. The burdens of judgement are offered by Rawls as an explainer for how deep disagreement between reasonable comprehensive conceptions is possible, and are the following: a) empirical and scientific evidence is conflicting and complex; b) there is disagreement over the weight persons give considerations and values; c) concepts are indeterminate and vague; d) the way persons assess evidence and weigh values is shaped by their total experience; e) normative considerations pull in different directions; and f) there is limited social space for the realization of values.[23] The burdens provide a rationale for *Refraining Condition* as accepting them is to acknowledge that those with whom we disagree are not necessarily being unreasonable, but are instead only doing their best in the epistemic circumstances in which we find ourselves.

But if *Refraining Condition* is based on having individuals take these burdens as the explainer for deep disagreement, then this seems to lead directly to the Skeptical Problem. Leif Wenar, for instance, argues that by grounding the explanation of disagreement in claims about the difficulty of issues or the limited perspectives of persons, the burdens of judgement "would suggest the

[23] Rawls 2005, 56-57.

likelihood of error on both sides."[24] The way Rawls himself characterizes the burdens of judgement doesn't exactly help, as he sees them as "the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgement in the ordinary course of political life."[25] But it is difficult to see how complete confidence in the truth of a disputed belief could be justified in 'hazardous' circumstances such as these, and that skepticism is only avoided insofar as individuals are giving arbitrary preference to their own beliefs in conditions of uncertainty.

This horn of the dilemma could be avoided by exploring some alternative epistemic rationales for *Refraining Condition* that might avoid a slide to skepticism. But this then only leads to the second horn, for the most obvious available options here all seem to be no less philosophically controversial than skepticism, and hence no less problematic for an account of political liberalism. For example, the rationale for *Refraining Condition* could be the endorsement of value relativism. On this view, individuals might acknowledge the inappropriateness of invoking their own comprehensive beliefs in public deliberation because they take the beliefs of others who disagree with them as no less true – at least as no less true *for them*. Such a rationale for *Refraining Condition* can easily avoid skepticism because it allows an individual to avoid musing about whether they or those who disagree with them have got it right, because in the relevant sense, they both could have. But given such a view is hugely controversial and impossible to endorse from within a wide range of comprehensive doctrines (how many believers could understand religious

[24] Wenar 1995, 44.

[25] Rawls 2005, 56.

disagreement in those terms?), it fails against any plausible interpretation of Political Justification, and so no account of political liberalism could use it as the rationale for *Refraining Condition*.[26]

The Costs of Throwing Epistemology Out

As it has been stated up to this point, the Skeptical Problem's scope is limited to rationales for *Refraining Condition* with an epistemic component. This is because, as outlined above, it is the acknowledgement of the epistemic credentials of others' beliefs that then gives one a reason to be skeptical. An obvious response then might be to simply sidestep the Skeptical Problem by insisting on an entirely non-epistemic rationale for *Refraining Condition*. With this move, an individual's recognition of the unreasonableness of invoking their own disputed belief in public deliberation would have nothing to do with the epistemic credentials of those who disagree with them. This then can avoid any slide to skepticism because individuals would be free to explain disagreement entirely in terms internal to the comprehensive doctrine they take to be true.[27]

This is the direction in which Enoch thinks political liberals ought to move. To motivate this idea, he modifies an example offered by David Estlund. Let's grant, for the sake of argument, that Catholicism is true, the pope is infallible, and the evidence demonstrating this is fully shareable such that non-Catholic citizens are epistemically at fault or unjustified for not accepting it.[28] Enoch

[26] Enoch 2017, 136-137. But see generally for how several other rationales for *Refraining Condition* will be impaled on this second horn. Cf. Tahzib 2023, 608-609.

[27] To take an example, religious disagreement might be explained in terms of things like worldly temptation or divine predestination. See Wenar 1995, 41-46.

[28] Estlund 2008, 5; Enoch 2017, 159. Enoch adds the assumptions about shareability and epistemic justification.

thinks that even in such circumstances, it would be objectionable for the state to impose the pope's directives on nonbelievers, or for individuals to invoke their (true and shareable) Catholic belief in public deliberation.[29] And if that is the case, then this suggests that what is really motivating the attractiveness of political liberalism's concern with public justification and *Refraining Condition* has nothing to do with epistemology and justifications for belief. After all, there does exist a variety of alternative non-epistemic rationales for *Refraining Condition*, with the most plausible candidates being equal respect for others[30] and reasons related to the good of political community.[31] For approaches such as these, the epistemic explanations individuals have for why others disagree and the political reasons as to why, nevertheless, it would be illegitimate to invoke one's own disputed belief in public justification, can remain distinct.

But before turning to those accounts, I first want to offer a parallel case to Enoch's example. Let's grant, for the sake of argument, that the Earth is not flat, that on this question scientists have irrefutable proof, which is fully shareable and so on such that individuals would be epistemically at fault or unjustified for believing otherwise. In these circumstances, would it be objectionable for the state to act in ways that impose this truth on nonbelievers (say, by banning flat Earth theory being taught in public schools), or for individuals to invoke their belief in a spherical Earth in public deliberation? I think most of us want to say no here. But how can the state be more or less

[29] While Enoch doesn't explicitly say the latter, I would be surprised if he didn't endorse it given the thrust of his argument.

[30] Wenar 1995; Larmore 1999; Kelly and McPherson 2001; Neufeld 2005; Horton 2010; Nussbaum 2011; van Wietmarschen 2021.

[31] Ebels-Duggan 2010; Lister 2013; Leland and van Wietmarschen 2017; Leland 2019.

justified to enforce one truth (Earth is not flat), over another (pope is infallible)?[32] I don't give this example because I disagree with Enoch and Estlund's conclusions about the wrongness of enforcing true Catholic belief, but because I want to cast some doubt that what the example shows is that epistemology is irrelevant to the fundamental aims of political liberalism. Instead, I think the contrary intuitions we have about political justification in these two cases is explained by the fact that in Enoch's case, for important reasons related to communicability that I will unpack later, we struggle to grasp what it would actually mean for the evidence of Catholicism's truth to be fully shareable in a way analogous to the evidence that the Earth is not flat.

I will outline two costs of removing epistemology from an account of political liberalism, specifically in relation to the rationale for *Refraining Condition*. I give these costs in order to demonstrate the merits of the positive account I offer in the rest of the paper and why it is worthwhile to not just sidestep the Skeptical Problem but to try and meet it head on. The first is that epistemology-free rationales are going to struggle to explain why concerns of public justification ought not apply to views that are plainly empirically false (like the flat Earth case above or pseudoscientific views) or politically unreasonable (like racist worldviews). If the reasons for accepting *Refraining Condition* have nothing at all to do with the epistemic credentials of competing views, then why wouldn't beliefs such as these, which can often be sincere, and the

[32] An obvious counter would be to point to how religious beliefs are inevitably tied up with people's conception of the good, sense of identity, collective history, and so on. But if we modify the Flat Earth case to remove that difference (after all, people do genuinely identify with being Flat Earth truthers, there exists societies based around sincere commitments to the belief, and so), it is still the plain falsity of the view that seems relevant to concerns of political justification.

comprehensive doctrines built around them be entitled to have public justification apply to them?[33] This is a cost because while political liberals disagree on where exactly the line between reasonable and unreasonable views lies, almost all writers accept that it is a desideratum that political justification will not apply to any and all views.[34]

The second cost is that epistemology-free rationales might not be sufficient on their own to ground a commitment to *Refraining Condition*. Take first a respect-based rationale for *Refraining Condition*, where refraining from invoking disputed doctrines in public deliberation is taken as expressing a form of respect towards citizens who disagree. But a concern with equal respect might not necessarily get the result the political liberal needs here. This is because respect, simply in and of itself with no epistemological claims baked in, doesn't seem to automatically require the sort of multi-perspectival acceptability affiliated with *Refraining Condition*, and might just as easily be interpreted as requiring that the reasons offered in public deliberation are those that are true, or good for others (perhaps because they are true).[35] What makes it disrespectful for individuals to invoke their own disputed belief out of a concern that others get it right? And a similar point applies to rationales for *Refraining Condition* based on political community. For these accounts, what is

[33] While I suppose it would be logically possible to use epistemological concerns to define the set of comprehensive doctrines to which *Refraining Condition* applies, but then have epistemology play no role in the rationale for the reasonableness of refraining, it is unclear what would justify that arbitrary move.

[34] Excluding plainly false or politically unreasonable beliefs from the acceptability requirement does not imply their proponents will be excluded from other guarantees of justice, such as the rights of citizenship and being owed a justification for the laws to which they are subjected. See Quong 2004: 314-335; Lister 2018, 79-80.

[35] See the discussion of correctness-based justification in Wall 2002, 389-391. See also Barry 1995, 176-77, 182; Vallier 2015, 149-51.

emphasized is how relations of community can only obtain when there exists across individuals some partially shared conception of each other's interests.[36] But it is unclear why a concern with community, again by itself with no epistemic elements baked in, can offer an account of public deliberation according to which the acceptance of *Refraining Condition* is the one and only interpretation as to what is in fact in other's interests.[37] Perhaps, a critic of political liberalism might suggest, the only community worth having is one between members that share true comprehensive beliefs.

But even if we grant that such accounts could provide a rationale for *Refraining Condition*, it certainly seems eschewing epistemic considerations leads to concerns abouts its stability. This results from the combination between, on the one hand, disagreements between comprehensive beliefs being very high stakes,[38] and on the other hand, epistemology-free rationales for *Refraining Condition* being consistent with individuals viewing the beliefs of those who disagree with them as being epistemically unjustified or unreasonable. And if individuals are free to think the beliefs of others on matters of supreme importance (such as ultimate value, life and death, salvation, and so on) lack any plausible epistemic credentials, then the demanding requirements of *Refraining Condition* will be more difficult to uphold.[39]

[36] See especially Leland and van Wietmarschen 2017, 157ff.

[37] Billingham and Taylor 2023, 32-33.

[38] As Andrew Lister puts it, the demands of *Refraining Condition* and the political outcomes that result from it will always come as a moral cost from the perspective of individuals' own comprehensive doctrines. See Lister 2018, 75-76.

[39] Leland and Van Wietmarschen 2012, 735-738; See also Alexander 1993, 790-791.

The obvious reply to this line of argument is to say that interpreting equal respect and political community in ways inimical to the demands of *Refraining Condition* fails to appreciate the normative status of others' beliefs, and the legitimate role of those beliefs in limiting the sort of reasons that will be acceptable for them. I think this is right, but my point is that I do not think this move is available if epistemological concerns have no role in the rationale for *Refraining Condition*. Indeed, if we look at what proponents of such ostensibly non-epistemic rationales say, we see that epistemological claims feature. For instance, Erin Kelly and Lionel McPherson's influential respect-based account of wide toleration relies on individuals accepting that "reasonable people are not infallible,"[40] while Andrew Lister's account of political community similarly takes as its starting point that individuals regard the moral beliefs they take to be true as reasonably rejectable.[41] Indeed, Lister's account relies on individuals imparting to their fellow citizens a whole range of epistemic features, including that they are concerned about doing their best to figure out what truth and morality require and that they believe disagreements between comprehensive beliefs are a result of more than self-interest or mere intellectual negligence.[42] While in Kyla Ebels-Duggan's account of a political community-based rationale, individuals are required to acknowledge that "the correct epistemic norms, whatever these are, do not determine a single worldview."[43]

[40] Kelly and McPherson 2001, 43.

[41] Lister 2018, 76.

[42] Lister 2018, 81.

[43] Ebels-Duggan 2010, 62.

What I think this suggests then is that acknowledging that the beliefs of others have at least some epistemic credentials, is an important part of what gives those beliefs the very normative status, such that, to invoke one's own disputed belief in public deliberation would be disrespecting them, or be running against the shared interests we have that make a political community possible. After all, we ought to remind ourselves here that the principle of Reasonable Disagreement is itself an epistemological claim, requiring individuals to accept that disagreement is more than just a brute fact, but reflects that those who disagree with them have good (or understandable or justifiable…) reasons to believe what they do. And so it is unclear how epistemic considerations could ever be entirely removed from an account of political liberalism.

Now, none of this is to suggest that accepting *Refraining Condition* ought to simply fall straight out of epistemic norms, or more generally, that we can equate political reasonableness with epistemic rationality. Instead, the point is just that epistemology need not be irrelevant to political liberalism and there is merit to keeping some epistemological considerations as part of *Refraining Condition*, where part of respecting those who disagree with us, or part of what is involved in living in political community with them, involves a recognition of the epistemic credentials of their beliefs. As we have seen however the issue is that as soon as we do this we open the door to the reasoning that leads to the Skeptical Problem, and so I will now turn to my positive response to it.

III – The Burden of Total Experience

It is not uncommon for philosophers to follow Rawls in characterizing the burdens of judgement as a unified whole, offering a general explanation of the difficulty of agreement. This is a mistake

as it ignores how the epistemic significance of any disagreement will depend on many of its features (such as the cause of the disagreement, facts about the agents involved, what is at stake, and so on). Furthermore, characterizing the burdens of judgement in this way, as a single explanation of the 'hazards' or 'obstacles' towards attaining true belief, is only going to stack the case in favour of the Skeptical Problem from the outset.

With this in mind, I follow several authors in noting that burden d) – the way persons assess evidence and weigh values is shaped by their total experience – is different from the others in that it is agent-relative.[44] But in addition this burden, which from now on I will call the *burden of total experience*, seems particularly important because insofar as this is true, then several of the other burdens will be derivative of it. Specifically, if a person's total experience impacts the way they assess evidence and weigh values, then it will also impact the weight they give considerations, their judgement and interpretation of concepts, as well as how they assign priority to different normative considerations (burdens b), c), and e)). The burden of total experience then is something of a master burden, and is very different from burden a) – empirical and scientific evidence is conflicting and complex – given this is not agent relative at all.[45] As these two burdens are qualitatively different, disagreements resulting from each of them might not merit the same epistemic response. In this section I outline the basic features of disagreements based on the burden of total experience. In subsequent sections I consider how such features might provide political liberalism a way out of the Skeptical Problem.

[44] Larmore 1996, 170; Horton 2010, 65.

[45] I leave out burden f) because it implies the acceptance of value pluralism, but this is subject to deep disagreement.

Consider the following cases of disagreement:

Environmentalist-Transhumanist:

> An environmentalist, Fleur, has a deep ecology philosophy that is strong and important enough to be regarded as a comprehensive doctrine. Fleur grew up spending weekends camping and had moving experiences after hiking to the tops of mountains and witnessing the treasure of nature. These experiences influence Fleur's worldview and form part of the explanation of why she believes what she does. Meanwhile, Wally is equally considerate and reflective as Fleur, but is a proponent of transhumanism. His belief is also strong and important enough to be seen as a comprehensive doctrine. Wally did not have experiences with nature but instead grew up in a big city, spending most of his time taking apart computers and marvelling at the transformative potential lying dormant in technology. These experiences affect Wally's normative considerations and partly explain why he takes transhumanism to be true. One point of disagreement is that Wally believes it is appropriate for our species to technologically intervene in natural evolutionary processes, while Fleur thinks otherwise.

Meteorologist:

> Bronte and Neil are two meteorologists who have an equal track record of weather predictions. The data is complex and messy meaning they must make calculated guesses to come up with a weekend weather forecast. Their predictions in this instance differ, Bronte forecasts rain and Neil forecasts clear skies [46]

[46] A case similar to this can be found in Christensen 2007, 193-94.

Environmentalist-Transhumanist is a case of disagreement explained by the burden of total experience. When it comes to the proposition about the appropriateness of technological intervention, Wally and Fleur's disagreement is a result of their different rankings of normative values and moral priorities, informing their different understandings about the value of humanity and its place in the universe, all of which have been influenced by their different upbringings. This upbringing has meant Wally believes it is suitable and right to "amend the human constitution" (as one of the founders of transhumanism puts it),[47] while Fleur's deep ecology philosophy means she holds dear to the belief that "we are here to embrace rather than conquer the world."[48] Their disagreement then is not a result of any conflict about the empirical evidence behind each of their cases (e.g., Wally understands and recognizes the implications of anthropogenic climate change, Fleur understands how cryonics can extend human satisfaction, and so on). Compare this to *Meteorologist*, where Bronte and Neil's disagreement results directly from insufficient evidence to make an accurate prediction. When the weekend approaches and the evidence improves, their disagreement falls away and the forecasts align.

I suggest *Environmentalist-Transhumanist* is importantly representative of the disagreements between comprehensive doctrines that are relevant to political liberalism. This is because allegiance to a comprehensive doctrine is (at least in part) constituted by endorsing a particular set of beliefs – viz., beliefs about moral truths, judgements about value and the nature of the good, and so on – and these are the kinds of beliefs that are sensitive to one's total experience.

[47] More 2013.

[48] Næss 2005.

Furthermore, to say comprehensive conceptions of the good are competing, is simply to say that the respective sets of beliefs constituting these conceptions conflict. The fact Fleur and Wally endorse competing comprehensive conceptions doesn't just mean they have different ways of looking at the world in some vague indeterminate sense, but that they hold different beliefs when it comes to particular propositions. The above disagreement about technological interventions was just one example, but we could easily refer to other claims that touch on questions about ethical value, moral importance, and so on (or even claims that speak on these issues directly). Of course, for any two comprehensive conceptions to be in conflict their respective proponents do not need to disagree when it comes to all the individual beliefs that make up each doctrine (there doesn't seem any principled reason to stop Wally agreeing with Fleur that animal suffering should be prevented, say), but they must disagree on some central beliefs. And while the respective sets of beliefs between some comprehensive doctrines might not conflict at all (for instance, utilitarianism seems complementary to transhumanism), as soon as we generalize out and consider the full range of comprehensive conceptions, we see that disagreement is what defines, in general, the relationship between beliefs across comprehensive conceptions. This then is why, given public deliberation involves all of society's members, *Refraining Condition* applies to the full set of beliefs that make up the comprehensive conceptions that individuals endorse. There will always be someone out there who reasonably disagrees with you on some proposition your comprehensive doctrine takes to be true.

Now, by referring to the role of total experience I am not just making the trivial point that the makeup of persons' beliefs partly depends on features of their social environment (like Bronte's belief that it will rain partly depending on growing up in a town with a meteorology school).

Rather, what *Environmentalist-Transhumanist* demonstrates is the importance of *formative* experiences in impacting comprehensive beliefs, which are those experiences that assign information to the experiencer that cannot be attained in the absence of the experience.[49] Applied to the sorts of beliefs relevant to political liberalism and its concern with political justification, it is the idea that "our moral visions are often shaped, reformed, and even overturned, not by simply reflection or the acquisition of new information, but by our undergoing certain distinctive experiences,"[50] experiences which, as an explainer of beliefs, ought to be kept separate from both reasoning capacity and external evidence. And while religious beliefs are probably the prototypical case of comprehensive beliefs relying on formative experience,[51] it would be a mistake to see religion having a monopoly on such experiences as many nonreligious comprehensive beliefs can be similarly impacted through experiences as diverse as art, personal exposures, direct encounters, and so on (*Environmentalist-Transhumanist* was but one example). And while my claim is that formative experiences are a crucial explainer for why individuals come to endorse a comprehensive doctrine, I'm not suggesting that there is going to be some formative experience to explain each and all of the beliefs that make up such a doctrine. The point, rather, is that formative experiences seem to have a core role in explaining those beliefs that are at the center of those doctrines – about moral truths, value, and so on – beliefs which then result in individuals coming

[49] See Depaul 1988, 619-635; Blackburn 1988, 139-144. There is significant overlap here with the literature around 'transformative experiences' – see especially Paul 2014 – and in what follows I refer to both these literatures. I choose to use the phrase 'formative experience' because my concern is less about individual belief change and more about what grounds differing beliefs across individuals.

[50] Blackburn 1998, 140.

[51] De Cruz 2018; Chan 2016.

to hold other beliefs that form part of that view (e.g., Fleur's upbringing led her to have a particular value-laden belief about humanity's relationship with nature, a belief which then went on to ground her objection to the sorts of things a transhumanist espouses). With the burden of total experience characterized thus, it is the diversity of formative experiences which go some way in explaining the deep disagreement that obtains between comprehensive conceptions.

A core aspect of formative experiences then is incommunicability. While it might still be possible to communicate the content of a comprehensive belief, what the above suggests is that it will not always be possible for individuals to fully communicate how their formative experiences inform and support their belief to those who do not have the same requisite experience.[52] Taking *Environmentalist-Transhumanist* as an example, while Fleur might be able to give Wally a detailed first-hand account of her experiences it seems unlikely she is going to be able to fully convey in words the way her camping experience has informed her normative perspective without something getting lost in translation.

Focusing on how it is often not possible for persons to communicate how formative experiences inform their beliefs (and not on any difficulty communicating the content of the beliefs themselves)[53] allows the account to provide a more convincing response to claims that in the kinds of disagreement relevant to political liberalism testimony can be effective at sharing evidence. Take for instance Brian Barry's argument against a religious revelation being incommunicable.

[52] This is similar but not the same as Nagel's claim that (at least for religious beliefs) it is often not possible for a person to present to others the basis of their belief. See Nagel 1987, 232.

[53] Cf. Price 2000, 404-405.

For Barry, "[i]f I report [a private revelation's] content faithfully to you, then you have what I have in the relevant sense," just like, continues Barry, a doctor has an idea of the pain of their patient despite not themselves experiencing any pain.[54] Barry of course is right that the details of the revelation can often be fully communicated (the sky turned pink and a deep voice emanated from above…). But from this it does not follow that *all* the relevant features associated with the revelation have been shared – viz, the affective role the experience had and how it comes to influence and affect a religious belief.[55] While in many cases the distinction between testimony and lived experience might not do any important work (e.g., Barry's example of the doctor), in the cases of concern to political liberalism, where formative experiences can have an affective role in the formation and support of deep comprehensive beliefs, the difference is crucial. A more analogous case for Barry might be an individual reporting pain to someone who due to some physiological condition has never experienced pain in their life. In this case, the full impact and primacy of the pain could never fully be communicated. This is closer to the situation of citizens with different formative experiences informing their comprehensive beliefs. And while certain forms of communication might be able to communicate the outlines of the relevant phenomenology, they can rarely give the full picture.

IV – Formative Experiences, Peerhood, and the Refraining Condition

[54] Barry 1995, 180. See also Raz 1990, 40-42; Enoch 2017, 139.

[55] On the incommunicability of religious experiences in particular, see Alston 1991, 279-284. On the incommunicability of experiences relevant to comprehensive beliefs more generally, see Goldman 2010, 210; Horton 2010, 65-67; Peter 2013, 608ff.

I will now outline how this account of the burden of total experience can serve as the rationale for *Refraining Condition*. Discussion on how the account avoids skepticism occurs in the subsequent section. As outlined earlier, the logic behind an epistemic rationale for *Refraining Condition* is based on acknowledging the epistemic credentials of others. Unpacking that idea, what grounds *Refraining Condition* in my account is that individuals acknowledge that the disagreement between beliefs explained by the burden of total experience is a disagreement between epistemic peers.[56]

As the name suggests, the idea behind epistemic peerhood is epistemic equality. Two persons are epistemic peers when because of their exposure to evidence and possession of relevant capacities (e.g., intelligence and thoroughness), they are equally likely to be right as each other on some particular issue – there is no prima facie reason to give preference to one over the other. While the literature often talks of epistemic peers as those who are exactly equal in both their epistemic capacities and familiarity towards the same body of evidence,[57] writers also sometimes utilize an account of peerhood based on equal reliability, where the focus is on peers having those capacities sufficient for equal reliability and being familiar with equally good but not necessarily the same evidence (because, say, full disclosure of the relevant experience or phenomenology is not possible).[58] What is meant by equally good evidence, is that there is no evident asymmetry between

[56] While Enoch advances several objections to the epistemic feasibility of using the burdens of judgement as a rationale for *Refraining Condition*, he does not consider the possibility I will consider here: that the burden of total experience suggests individuals have access to different but equally good evidence, and the implications of that for peerhood. See Enoch 2017, 161-163.

[57] Gutting 1982, 83; Kelly 2005, 175. Christenson 2007, 188-189; van Wietmarschen 2018, 496.

[58] Kelly 2005 152n.; Feldman 2006, 222; Elga 2007, 487n; Lackey 2010, 304-305; Wedgwood 2010, 225-226; Matheson 2015, 22, 118-119.

them when it comes to their having evidence that bears on the matter at hand (if we are epistemic peers and my doxastic attitude toward *p* is based on evidence X and your doxastic attitude towards *p* is based on evidence Y, then X and Y must be on an epistemic par as a basis of belief about *p*).[59] Given that when peerhood is defined as exact equality it reduces the number of peer disagreements (even idealized ones) to close to zero, I will use the latter account.[60]

Recognition between individuals of epistemic peerhood provides a straightforward rationale for *Refraining Condition*, as doing so implies individuals accept that those who disagree with them can be prima facie no less justified than themselves in holding the belief that they do. When peerhood is recognized, invoking in public deliberation a disputed belief is regarded as inappropriate as doing so would be bringing in terms not all persons (who are taken as equally reliable judges in virtue of their capacities and access to equally good evidence) could reasonably accept.[61] Furthermore given the case at issue here involves a degree of incommunicability – where individuals, while being aware of the purported insight formative experiences grant will not have full access to the *exact* way they inform belief without said experiences – the case for the inappropriateness of invoking one's own disputed belief in public deliberation is especially strong.

For individuals to see disagreements resulting from the burden of total experience as peer disagreements, they must have the following attitudes. First, individuals cannot see comprehensive disagreement as resulting from the inferior (or superior) capacities of others at coming to

[59] I take the term 'on an epistemic par' in this context from Plantinga 2000, 452.

[60] See Lackey 2010, 311, and the distinction between idealized peer disagreement and ordinary peer disagreement.

[61] See discussion in van Wietmarschen 2018, 493.

conclusions about the matter at hand. Returning to *Environmentalist-Transhumanist*, Fleur must take Wally to be equally conscientious, sincere, and so on, when it comes to deliberating about moral truths and the like. And second, individuals must see the range of formative experiences explaining different comprehensive beliefs as being on an epistemic par with whatever are their own formative experiences. As I will outline in the next section, this importantly does not mean individuals must acknowledge that others are no less likely to be true on the issue, but only that the formative experience serves no less as a justified reason for belief. Fleur must acknowledge that Wally's upbringing gives him justificatory reasons to believe in in the set of comprehensive beliefs that make up transhumanism, and recognize that in the counterfactual scenario where she was the one with those same experiences, she would be justified in believing in transhumanism as well.

As we saw earlier, it is important that an account of political liberalism can explain why concerns of public justification ought not apply to views that are plainly empirically false (like pseudoscientific views) or politically unreasonable (like racist worldviews). My account captures this concern because it does not require individuals take all those who disagree with them as their epistemic peers, where any and all beliefs informed by experience (including socially inculcated false or politically unreasonable beliefs) are seen as justified. Take, as an example, an individual who was raised in a household where they regularly witnessed violence, the experience of which subsequently led them to develop a comprehensive doctrine that deems violence an acceptable form of conflict resolution. While their formative experience might explain the cause of this belief, in the absence of an individual checking their beliefs against certain standards or exposing themselves to experiences that might challenge their outlook, their experience doesn't

automatically justify the belief.[62] It is only the formative experiences that impact the beliefs of individuals who are still doing their epistemic due diligence, that can provide such a justification, and subsequently require a refraining response on the part of others.

But, beyond those basic conditions of checking a belief's falsity against basic matters of fact or fundamental political values, my account leaves it up to individuals to determine the specific conditions that specify peerhood. This means it only requires individuals believe there to be disagreement caused by incommunicable formative experiences among those *they themselves* take as most competent. On this I am following Leland and van Wietmarschen's concept of universal disagreement, where "reasonable citizens believe that for each of their nonpublic views, a wide range of conflicting views is held by people at the highest levels of competence."[63] This means that individuals in my account need not see all the comprehensive beliefs of others as necessarily informed by incommunicable formative experiences. It suffices for them to believe that the disparate views of those they take to be most competent simply could have been so informed. It is individuals recognizing the possibility of this sort of peer disagreement that grounds their acceptance of *Refraining Condition*.

I've suggested the burden of total experience requires individuals to acknowledge others as epistemically justified in holding their opposing views. Jonathan Quong however offers an alternative: while locating the source of disagreements between comprehensive beliefs in

[62] DePaul 1988, 623ff. We can say all this while still recognizing the wrong that has occurred to a person raised in an environment likely to inculcate empirically false or political unreasonable views.

[63] Leland and van Wietmarschen 2010, 732.

something similar to formative experiences, Quong's account only requires persons to recognize the beliefs of others as epistemically reasonable.[64] Why not then go with this less demanding requirement and avoid talk of justification and peerhood altogether?[65] Well, as Quong outlines, when epistemic reasonableness is used as the rationale for *Refraining Condition*, this is compatible with individuals regarding their comprehensive belief as resulting from their "superior vantage point," where other persons "do not have to be subjectively justified in holding a belief in order for that belief to be a reasonable one."[66] And while such attitudes might allow the account to avoid any slide to skepticism, they also demonstrate that it is vulnerable to the same sorts of concerns about the stability of *Refraining Condition* that were raised earlier against non-epistemic rationales. For if, as in Quong's account, individuals can regard the disagreement of others as resulting from unjustified beliefs caused by epistemic failures, any (epistemic) rationale for *Refraining Condition* becomes less clear. 'Why not invoke my comprehensive beliefs in public deliberation?' the likes of Fleur might think, 'for while the beliefs of the likes of Wally are understandable, they come from a vantage point far inferior to mine and could never be justified.' My account's reliance on epistemic peers forecloses this kind of reasoning, and so will be more stable.

But, returning to the dilemma, does this account provide a rationale for *Refraining Condition* that can avoid the second horn, or does it require individuals to explain deep disagreement in problematically controversial or unfeasible terms? Taking the latter first, this thought might be

[64] Quong 2007, 327-334.

[65] I thank a reviewer for pressing me on this point. On the relative demandingness see Enoch 2017, 139-140.

[66] Quong 2007, 327-328. This is broadly following Rawls 2005, 58-61.

grounded on a concern that given disagreements between comprehensive beliefs run so deep, it is simply not possible to judge someone with different beliefs on these matters as equally competent and reliable using reasoning independent of the disagreement itself.[67] But my account has a response here as it is not simply that persons regard others as holding beliefs completely at odds to their own with nothing more to say, given the burden of total experience is taken as a general mechanism to explain why such beliefs are held in the first place. Acknowledgement of this burden acts as a shared background against which judgements about equal reliability and equally good (but different) evidence can be made. While the evidence we each have might differ, these differences are mutually known and taken as relevant to the issue at hand. While your evidence can never be completely public and accessible to me (i.e., I cannot obtain all the relevant aspects of the reason acquired by your having of the experience), I am aware that this experience is being used by you as evidence, and that it bears on the truth-value of the proposition at issue.[68] Even a cursory look at history suggests that over time competent and conscientious individuals, left to deliberate and live out their lives freely, will end up disagreeing about comprehensive beliefs in part because they take their differing total experiences to provide them with a kind of insight that others lack. And furthermore, given the enduring nature of disagreement, that full appreciation of these insights cannot seemingly be communicated by testimony alone. Is it really not feasible for individuals to acknowledge that, at least as a descriptive sociological claim?[69]

[67] Elga 2007, 492-494. See also Vavova 2014, 313-315.

[68] See Conee 2010, 70-71; Kornblith 2010, 50-51.

[69] To give one example, in debates about religious belief writers often take disagreement as a 'problem' because it seems hard for a believer to deny that the religious experiences of others provide evidence that is no less genuine or legitimate to support their contrasting beliefs. For instance, Van Inwagen 1996, 41: "[i]f evidence is understood in this way [as including incommunicable insights], how can anyone be confident that some of the religious beliefs of some

Alternatively, the concern might instead be that the account offered will be problematically controversial in that it will be incompatible with the range of explanations offered for disagreement that are internal to individuals' comprehensive conceptions. I obviously cannot go through and consider the degree to which my account is compatible with each and every comprehensive doctrine, but there is a general feature of my account that quells this concern. This is that, beyond the basic features of formative experience and peerhood (which as I said above, seem hard to deny as a descriptive fact), my account keeps aspects of the explanatory story blank, thereby leaving individuals free to interpret the account according to the flavour of their comprehensive conception. For instance, recall that Wenar thinks the burdens of judgement could never be accepted by a religious observer who explains disagreement in terms of things like original sin, worldly temptation, or predestination.[70] But I don't see why this individual couldn't accept my account, given they would be free to use such tenets to explain the cause of why individuals have different formative experiences in the first place, and so on it could go with other comprehensive doctrines. My account does not offer a monistic explanation where formative experiences are taken as the sole explainer for subsequent beliefs at the most fundamental level, with nothing more to be said. What remains then is the first horn and its concern about skepticism, and it is to this that the rest of the paper turns.

V – Incommunicability and Skepticism

people are not justified by the evidence available to them?" See also Alston 1991, 270, 275; Plantinga 2000, 437-438, 452; Hick 2004, 235.

[70] Supra note 24.

By characterizing disagreements between comprehensive beliefs as peer disagreements and using this as the rationale for *Refraining Condition*, it might be taken that skepticism will be the unavoidable result. As van Wietmarschen puts it in a later elaboration of his and Leland's account of universal disagreement and its reliance on peerhood, this ought to lead individuals to reduce the confidence they have in the truth of their comprehensive beliefs because "when you have good reason to believe that your belief that *p* is disputed by an epistemic peer, then you are not justified in believing that *p*."[71] Similarly, Adam Elga argues that if persons regard those who disagree with them on comprehensive matters as their epistemic peers, then this would lead to the conclusion of having to suspend judgement on almost everything.[72] This section will argue that such conclusions are not warranted in the cases of peer disagreement relevant to political liberalism I have outlined. In particular, I will argue that the incommunicability of formative experiences stops the move from peer disagreement to skepticism.

It is a matter of considerable debate whether persons, once aware of peer disagreement, can be justified maintaining full confidence in their original belief. On one side is the conciliatory view, which claims persons should either suspend judgement or decrease their confidence in the truth of their belief.[73] The other side is the steadfast view, which claims persons are justified in remaining just as confident in their belief's truth as they were before becoming aware of peer disagreement.[74] Van Wietmarschen's argument that political liberalism suffers a skeptical problem explicitly relies

[71] Van Wietmarschen 2018, 495-496.

[72] Elga 2007, 492.

[73] Christensen 2007; Elga 2007; Feldman 2006; Christensen 2010.

[74] Kelly 2005; Van Inwagen 2010; Wedgwood 2010.

on accepting the conciliatory view.[75] However, to show my account of political liberalism can avoid the first horn of the Skeptical Problem I need not show that the steadfast view should be accepted as the appropriate response to *all* cases of peer disagreement. All I need to show is that in relation to the peer disagreements relevant to political liberalism, the major considerations pointing in favour of a conciliatory response no longer hold, and that a steadfast response can be warranted.

This approach is preferable because, first, it avoids generally committing the defence of political liberalism's coherence to one side of a recent and niche dispute amongst epistemologists. This, as Enoch points out, would be a rather strange and unattractive outcome.[76] But additionally, it also means the argument is under no burden to rebut the conciliatory view in those cases where it is inarguably the most appropriate response. A common example from the literature here is a disagreement over mentally calculating a restaurant bill between friends who have an equal track record getting it right.[77] Nothing I say will deny that in this case it would be epistemically appropriate for an individual to reduce their confidence that they, and not their friend, is the one who has gotten it right. This is because in this case remaining confident would be to give preference to your own view arbitrarily.

There are two principles which drive the appeal behind the conciliatory view – Independence and Uniqueness. Independence says that in response to peer disagreement a person must – to avoid

[75] Van Wietmarschen 2018, 495-497.

[76] Enoch 2017, 144-145.

[77] Christensen 2007, 193.

merely begging the question – bracket their original reasoning which led to their belief (I can't use whatever mental methods I deployed to work out the restaurant bill as the basis of remaining confident).[78] While Uniqueness says that a body of evidence justifies at most a single attitude toward any particular proposition.[79] A criminal trial is often given as an example to support the feasibility of the Uniqueness, as the evidence presented to the jury surely only justifies a single verdict of either guilty or not guilty, not both.[80] Care must be taken however in moving from these cases of peer disagreement to those cases of peer disagreement relevant to political liberalism. In the latter, the incommunicability of the formative experiences that inform comprehensive beliefs brings in a relevant difference, undermining the applicability of Uniqueness and the appeal of Independence.

Regarding Uniqueness, we have seen that in the account of disagreements between comprehensive beliefs I have offered, it is often not possible for persons to fully share how their formative experiences impact and support their beliefs, due to the way such experiences often provide an affective dimension to their moral, philosophical, and religious outlooks. As formative experiences are crucial pieces of evidence for these beliefs, this means that in these cases of peer disagreement there is no single set of evidence to which each person is exposed. Thus, Uniqueness does not apply and cannot be used to support the conciliatory view toward the peer disagreements relevant to political liberalism.

[78] Christensen 2007, 198; Elga 2007, 486-488; Christensen 2010, 196-197; Kelly 2013, 40; van Wietmarschen 2013, 399; van Wietmarschen 2018, 496.

[79] Christensen 2007, 190n; Feldman 2007, 205.

[80] White 2005, 450. But cf. Schoenfield 2014.

Things are more complicated when it comes to Independence. The appeal of Independence is that a person remaining confident in their belief by responding to peer disagreement by relying on their original reasoning would only be begging the question. The first thing to note is that in disagreements between comprehensive beliefs it is not the case that persons are merely relying on their original form of reasoning, but that they are relying on their own formative experiences, which is evidence that is not available to everyone else. But proponents of the conciliatory view respond to this move by saying all this does is move the argument one step back. While persons might not have access to the same evidence, they do have access to equally good evidence (otherwise they couldn't be regarded as epistemic peers). The argument goes that as such symmetry is retained in relation to the quality of the evidence, then Independence still applies. Consider Richard Feldman's dean in the quad example:

> Suppose you and I are standing by the window looking out on the quad. We think we have comparable vision and we know each other to be honest. I seem to see what looks to me like the dean standing out in the middle of the quad. (Assume that this is not something odd. He's out there a fair amount.) I believe that the dean is standing on the quad. Meanwhile, you seem to see nothing of the kind there. You think that no one, and thus not the dean, is standing in the middle of the quad. We disagree.[81]

For Feldman, even if each person has a reasonable belief initially, once the disagreement becomes apparent it would not be appropriate for either person to assume the issue lies with the other person

[81] Feldman, 2007, 207-208.

and not with themselves. Hence, Independence still applies and the only reasonable response is for each person to suspend judgement.[82]

It is of course true that in the dean in the quad case each person has a particular first-person experience while the other person has merely a testimony of that experience. However, this evidence is publicly accessible in a way that makes the difference between experience and testimony not particularly interesting, just like Barry's example between the experience of pain and testimony of that pain,[83] and this stacks the deck in favour of Independence. When one person says that they did (or did not) see the dean, then the other person has everything they need to take into account and fully appreciate the other's perspective. Other arguments defending Independence in the context of different but equally good evidence rely on examples with similarly publicly accessible evidence, such that it enables persons to acquire additional first-order evidence,[84] or to "compare notes" such that each has the same total set of evidence.[85] This makes the dean in the quad example importantly different to cases of disagreement involving different formative experiences with their affiliated incommunicability. As such, whatever intuitions we have about the suitability of Independence in the dean in the quad case won't capture the relevance of the first-person perspective in the peer disagreements between comprehensive beliefs. While there remains a kind of symmetry from a third-person perspective (each has equally good evidence), an asymmetry regarding the evidence is maintained from within each person's own perspective. And

[82] Feldman 2007, 208.

[83] See supra note 54 and the corresponding main body text.

[84] Christensen 2010, 206-207.

[85] Kelly 2010, 151-52.

it is the incommunicability of formative experiences then that brings in a justified reason for persons to remain in this first-person perspective and to have a 'fundamental trust' in their own experiences and beliefs.[86] Such evidence informs persons in a way not possible for the testimony of others, and this brings in a nonarbitrary justification for rejecting the idea that in all cases of disagreement individuals must immediately retreat to a third-person perspective, where Independence will apply.[87] Persons are giving weight to their own formative experiences not simply because they are their own but because they are fully accessible only to them. If this first-order evidence could be fully shared through testimony in a way analogous to the dean in the quad example, then Independence and its requirement for persons to bracket their own original reason for their belief would stand.

Given then that the two principles driving the appeal towards the conciliatory view no longer hold in the cases of peer disagreement relevant to political liberalism, endorsing the steadfast view and remaining confident can be an appropriate response. It is in cases of disagreement between individuals who share the exact same evidence where the appeal of the conciliatory view is at its strongest, and where any push to skepticism will be most severe. But as we have seen, such a characterization does not capture all cases of peer disagreement. Importantly, it fails to capture the peer disagreements between comprehensive beliefs that are relevant to political liberalism.

VI – Conclusion

[86] Wedgwood 2010, 237-244. See also Van Inwagen 1996, 30, 34.

[87] Cf. Christensen 2010, 204; Rattan 2014.

I have argued that an account of political liberalism can avoid the Skeptical Problem by using the burden of total experience as an explainer for disagreements between comprehensive beliefs. As an epistemic rationale, the burden of total experience locates individuals' acceptance of *Refraining Condition* in their acknowledgement of the epistemic credentials of those with whom they disagree. In the account I have offered such credentials are cashed out in terms of epistemic peerhood, where individuals recognize that the life experiences of those they take as no less competent than themselves, can make them justified in holding their different beliefs. And while disagreement between epistemic peers can often give individuals grounds to conciliate and reduce their confidence in their original belief, the two principles driving this line of thought are either undermined or do not apply in cases of peer disagreement between comprehensive beliefs because of the incommunicability of formative experiences. As a result, retaining confidence in face of the disagreements relevant to political liberalism can be an epistemically appropriate response. I will conclude with a note about the scope of the argument and a response to an objection.

My argument only relates to beliefs that are informed by incommunicable formative experiences, and because one might have doubts that all the comprehensive doctrines relevant to political liberalism are made up of beliefs so informed, perhaps this paper's response to the political liberalism's Skeptical Problem is significantly limited in scope. Enoch for instance, as a counter to this idea secular comprehensive beliefs might rely on incommunicable evidence in a way analogous to religious beliefs, offers the set of beliefs constituting Mill's comprehensive liberalism.[88] But this I think is too quick. The comprehensive beliefs most relevant to political liberalism and its concern with justification are those that are based on our appreciation of and

[88] Enoch 2017, 153-154.

intuition about morality, values, and so on, and what the burden of total experience forces us to consider is that such beliefs have an affective dimension built on life experience. And so, while religious beliefs might be the paradigmatic case of beliefs that rely on incommunicable experience, cases like *Environmentalist-Transhumanist* show that this phenomenon is more general. Taking Enoch's case of endorsing Millian liberalism, won't any such endorsement also be built on the having of beliefs with bases that aren't fully shareable? A person's moral conviction in, say, the primacy of autonomy over other values might be explained by certain experiences (e.g., a period living under the control of someone else) that are unable to be fully shared through testimony in much the same way as the formative experiences in *Environmentalist-Transhumanist*, or in the case of a private religious revelation.

The objection contends that my account has missed a key lesson from cases of deep disagreement, given they force us to consider not only the appropriate epistemic response to the disagreements themselves, but also the appropriate epistemic response to what the disagreements *express* – viz., the contingency of experience and belief. Several writers in the epistemology of disagreement talk about how disagreement gets persons to recognize the fallibility in their thinking,[89] or the higher-order fact that their dispositional and evidential circumstances are far less than ideal.[90] And once, the argument goes, peer disagreement enables persons to recognize such facts from the third-person perspective, then surely a reduced level of confidence in the truth of their beliefs is required. How can persons maintain full confidence in their comprehensive beliefs after recognizing the formative experiences on which those beliefs are based are arbitrary?

[89] Christensen 2010, 206-210; Enoch 2010, 966-967.

[90] King 2012, 267.

Perhaps they cannot. Pointing to the incommunicability of formative experience is not going to be an adequate response to *this* concern. But it does not need to be, because political liberalism's ostensible Skeptical Problem is only that for the same reasons individuals recognize the unreasonableness of invoking their own comprehensive beliefs in public deliberation, they should reduce their confidence in those same beliefs. This is a claim about what political liberalism demands according to epistemic coherence, not a claim about the foundations of belief. There very well may be a considerable 'skeptical problem' for any person attempting to justify complete confidence in the beliefs they hold. But this is a very old problem, and by itself it does not show that an account of political liberalism using the burden of total experience as the rationale for *Refraining Condition* leads to any epistemic incoherence for individuals acknowledging its demands in public deliberation while also remaining confident in the truth of their comprehensive beliefs.[91]

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