

Review of: Ryan Muldoon (2016) *Social Contract Theory for a Diverse World: Beyond Tolerance*. New York: Routledge, 142 pp.

In *Social Contract Theory for a Diverse World: Beyond Tolerance*, Ryan Muldoon offers a liberal and non-ideal alternative to public reason. Public reason is a standard by which moral and political rules, laws, and institutions can be assessed. It requires moral and political rules to be acceptable or accepted, justifiable or justified, to all those persons on whom such rules would be imposed. In its different versions the idea of public reason relies upon implicit or idealizing assumptions that disagreement is not that deep. But our societies are increasingly more diverse than philosophers of public reason tend to think, and we need theories that can deal with this diversity. This is Ryan Muldoon's initial observation.

Scepticism of the ways that public reason, especially in its Rawlsian vestiges, addresses the increasing diversity of contemporary liberal democratic regimes is not new. Both liberal thinkers and scholars, such as Chantal Mouffe and Iris Marion Young, with a more critical, if not radical, attitude towards public reason, have challenged some of the aspects defining the idea of a political conception of justice valid for all reasonable citizens who recognize the need for fair terms of cooperation,

and who advance their interpretation of such terms according to the shared fund of values that inform a democratic society.

We can find, with different expressions and motivations, a recurring motif of reproach for Rawls's version of public reason. Namely, for the sake of normative cogency, people have argued Rawls idealizes the boundaries of the relevant political community, and, simultaneously, conceives what fills these boundaries and the ways moral agents convey their disagreement on moral issues, such as which religions are to be tolerated, cultural exemptions, and who has the right to vote.

In the first chapters of this book, by stressing the observation that public reason's diversity problem is ultimately "an account of how diverse individuals actually share the same political conception" (and why this is the case), Muldoon echoes these criticisms, while still remaining explicitly within a liberal paradigm (Introduction and chapter 1). In deliberation of the public-reason kind, he says, moral agents express their similarities, not their differences.

Even if not original, Muldoon's critical argument is persuasive. Like the authors of a series of other influential books in contemporary normative political theory (i.e. Landmore 2017), he borrows insights from Scott Page's demonstration that groups of diverse problem solvers can out-perform groups of high-ability problem solvers (Page 2008). Diversity (i.e. many persons who approach the same problem with different backgrounds; persons who have different skills and cooperate to solve a problem; persons who hold different moral or religious doctrines and approach a collectively relevant issue), in other words, is epistemically beneficial. So far, this theorem has gained credit in epistemic arguments for democratic legitimacy. One of Muldoon's merits is that he brings these ideas to the debate on social contract theory and diversity.

Since modern liberal democratic societies are more diverse than standard social contract theory tends to think, the main claim of the book is that "if diversity is taken seriously, much of social contract theory is subject to revision" (115). Most of the book, then, is devoted to such a revision.

As I understand Muldoon's position, he is making two related claims. The first is epistemic, if not fallibilistic. It is a rejection of the kind of unwarranted moral generalization that, in his view, is typical of public-reason liberalism. Muldoon argues that we tend to give moral agents too much epistemic credit. In present circumstances, moral agents do not have adequate information to make totally reliable moral judgments. Simultaneously, he warns us against false universalisms. Muldoon thinks there is no epistemic grounding for a uniquely correct set of regulative ideals. Individuals, he says, reason in different ways and do not have the same access to information. It is therefore difficult to identify a priori standards, such as deontological moral imperatives with a universal scope, which can be compelling for all those subject to them.

The second claim is normative. Diversity, Muldoon says, is not only an empirical fact but something we should celebrate and encourage as a normative commitment. Moreover, just as there is no single best life-plan for all citizens, Muldoon argues we have no reason to believe there is a single best social contract for all societies. Any attempt to contain moral disagreement within a priori moral predicates, which regulate society once and for all, would affect the potential benefits stemming from the opportunity of living in a diverse community. For this reason, the ambition of social contract theory for a diverse world should be to motivate each society to rethink which social contracts are appropriate and to discover new ones.

In this vein, Muldoon (chapter 2) rehabilitates Mill's idea that we learn about the good through "experiments in living" (1977, 261). Conceptions of the good must be tested, Mill argued, by the experience we have in living with them (Anderson 1991, 4). Along these lines, by maintaining that people are not completely identical in every respect, a social contract theory for a diverse world needs to generate rules for particular societies "to come to discover principles of justice that are best suited to their particular circumstances" (118). This is Muldoon's substantial revision of standard social contract theory. Specifically, his argument does not produce a unique social contract whose suitability is motivated through a mechanism of justification. Rather, Muldoon offers a procedure for discovery where there is no particular endpoint to the process. This procedure, he thinks, is the way to develop

social contracts that are responsive to the particular needs and wants of affected individuals without compromising social stability.

Muldoon constructs his argument around the concept of perspective. "Each political theory," he writes, "is a representation of a particular perspective" (63). Perspectives, he continues, categorize "the world in terms of the values that the theory holds dear" (63). As such, perspectives shape preferences over potential political outcomes, and they also "determine what we see as the outcome" (63). This second attribute is crucial in the book. Perspectives, he says, are "the filters that we use to view the world" (48), mental schemata that provide a general ontology within which choices and evaluations are made. Muldoon's idea is that an evaluative belief supported by different perspectives is stronger and that by combining perspectives, it is possible to find the most robust moral beliefs (chapter 3).

Given such a variety of perspectives, Muldoon provides a model to determine moral principles we can take for granted at the beginning of the political process (chapter 4). Central to this part of the book is the move from deliberation to bargaining. Muldoon argues that unlike deliberation – which, in his view, begins with an a priori political conception of justice – during bargaining among parties with a similar set of constraints, each party has to be convinced on his or her own terms. In this situation, moral agents with different perspectives engage with one another in a way that does not privilege any given framework. Actually, as he goes on to say, by balancing the benefits and burdens of a rights distribution, each party may have its own perspective-dependent reason for endorsing the contract despite disagreement at a more substantive level. The goal, therefore, is exactly that of individuating the set of evaluative beliefs that have the greatest number of independent lines of argumentation across different perspectives. This set of evaluative beliefs would be the starting point for the definition and re-definition of social contracts.

If such a model is to sustain an experimental approach to social contracting in a diverse society, it remains to be demonstrated that social experimentation, and changes to the initial cross-perspectively robust social contract, does not produce an unstable social environment. In the absence of strong cultural bonds, Muldoon

argues, material ties can provide strong-enough reasons to keep people together. Diversity, in other words, is also economically beneficial. Muldoon devotes chapter 5 to demonstrating this claim. One assumption (however debatable as it could be) – that the economy is productive and not a zero-sum game – supports the argument for stability. Here he combines the trial-and-error method with Ricardo’s idea of comparative advantage (2004): countries and people should specialise in what they do best.

First, Muldoon argues that diversity leads to more specialisation and greater returns in trade. And since in complex economies we need to have many kinds of tasks performed and diverse problem-solving abilities, trade among diverse specialists increases social production and reduces labour-market competition. If each individual can only be made better off as production (intended as the process of combining inputs to make something for consumption) is made more diverse (diversity in production has no negative consequences), individuals have reason to want more diversity in production. Second, Muldoon claims that without cultural connections, diverse societies are stable insofar as they provide members with benefits greater than those they can find in some other social arrangement. By distributing the gains of uniting in a society to make sure parties are made better off than they would otherwise have been, parties have reasons for remaining in the society. Eventually, all parties, he says, have reasons to participate in a social contract that celebrates and encourages diversity.

One of the explicit ambitions of the book is to bring the notion of perspective to political theory. To do so, Muldoon recalls Amartya Sen’s observation that all major conceptions of justice have some notion of equality (Sen 2009). In other words, they see equality from different points of view. From this, Muldoon argues that “each political theory is a representation of a particular perspective” (63). This is fascinating, but Muldoon stops his philosophical analysis of perspectives all too early. From time to time, the reader has the impression that perspectives have the same, or nearly the same, meaning as other popular expressions in political theory, such as *viewpoints*, *views*, *points of view*, and the like. Sometimes the notion of perspectives does not seem to add much to the canonical vocabulary of epistemic

arguments for diversity. Some passages of the book would have benefitted from an investigation into the philosophical foundations of perspectivism. For instance, I am curious to know why different, and perhaps contrasting, perspectives of the same moral object can coexist. Why are different perspectives on the origin of species entitled to be heard? Or why are religious extremists entitled to have a say about syllabuses in schools and academic institutions? Moreover, it seems important to know whether all perspectives can coexist or just a subset of all possible perspectives. If the latter, what defines the threshold of inclusion vs. exclusion? These are normative questions that have received some attention in modern philosophy, from phenomenological thought all the way down to contemporary philosophy of science (i.e. Conant 2005 2006; Giere 2006; Merleau-Ponty 2013). Without opening a dialogue with these traditions, the risk is that Muldoon’s argument will engage with only some of the epistemic arguments for diversity in political theory.

Muldoon offers an original bargaining model which, all things considered, depends less than he seems to think on the notion of perspective. Muldoon assumes each agent is able to engage in the bargaining on her own terms. And he thinks that if the agent is losing more than she gains, then she will withdraw from the agreement. These assumptions make things a little too easy. First, for the most marginalized agents, assuming a bargaining position may necessitate that they comprehensively re-articulate their views. Or, at least, it requires they be recognized as negotiators. Moreover, I am not sure it is so easy to exit revisable but still binding social contracts. In this regard, feminist contributions to the debate on multiculturalism have shown how difficult it is to exit formal and informal contracts. For instance, Ayelet Shacar suggests that, in the case of private religious arbitration, some vulnerable members of minority groups may find it particularly difficult to initiate judicial review over intra-group violations of human rights (2008, 598). Or, in many other cases, vulnerable members would have to pay a heavy social price for defecting otherwise-default, but informal, rules.

The model, I think, would have benefitted from more critical sensitivity towards existing power structures. Muldoon devotes a large part of chapter 5 to defining

equality in terms of relative bargaining power. He rightly points out that an agent's bargaining power is contextual and somehow relative to the other sides of the negotiation. However, a number of other aspects determine the most favourable price in a negotiation, such as looks, asymmetry, reputation as a good negotiator, liability, patience, power to make proposals, and sex. Without factoring these aspects into the design of the model, the risk is to provide a too idealized non-ideal social contract theory.

Muldoon relies heavily on economic theory and on examples to show that his account has a good grasp of the reality of social relations. This makes his book very readable and clear. Sometimes, however, I have the impression that relying on too many examples cuts the complexity of philosophical reflection short.

Notwithstanding my criticisms, I do not mean to deny the importance of the argument internal to the model. Muldoon brings fresh air to liberal debates on diversity and social contract theory. He does so with clarity and analytic rigour.

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Biography

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