

## Public transit

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### 1

The old man, when we stop to pick him up, is going slow and leaning on his cane. To keep his balance will be a struggle if he's still in the aisle when the bus pulls away from the curb. If I were to stand up, he could sit down. It seems to me that I should stand up and that this is because my standing up will make the seat available to this person who needs it more than I do. His need for the seat gives me reason to get up out of the seat.

This reason for standing exemplifies a wider normative pattern. Where I have reason to perform some action, the fact that I have reason to do it is typically explained by its possession of independently valuable features. Features that make the action valuable, I mean to say, independently of any conative, evaluative, or normative attitude that I take toward it or toward them. And independently of any fact as to whether I'm going to perform this action, whether I've decided to do it, whether I'm disposed to do its like.

Standing up makes the seat available to a person who needs it more than I do. That's what's good about standing up, and that's what gives me reason to surrender the seat. Maybe I also approve of standing up, maybe I want to do it, maybe I am tending to do it, maybe I've decided to do it. In that case my motives are correct, and my tendencies of action are good. But if I stand up my action will not owe its value or its support by reasons to any such fact of my actual motivation or tendency toward doing it. Better to say that my motivation is correct and my tendencies good because I have reason to stand.

### 2

I'm about to get up when the driver points to a sign over my head.

**PRIORITY SEATING FOR THE ELDERLY AND DISABLED**

I'd never noticed this before. But I see now that in pointing to this sign she is pointing toward an important further element of the situation.

That I should stand is true because this would yield the seat to someone who needs it more than I do. But apparently also because the action is required of me under the law. The prelegal reason for standing that arises from the elderly passenger's need to sit down is apparently doubled or shadowed by a second reason of law.

In some of my moods I will find this annoying or even bizarre. *Do they think I don't know* that this man needs the seat more than I do? Don't they *trust* me to do the right thing? Those are the reactions that surface when I'm lazily thinking of my legal obligation as something that other persons have created by deciding that I will stand or by ordering me to rise with the purpose of getting me to do it. Fearing that my grasp of mass transit ethics is unreliable, the legislature has stepped in with a failsafe. It has fitted me out with a further legal reason for standing that can be expected to bring me to my feet even when I'm having "an off day" and failing to appreciate prelegal reasons.

I can't accept this picture, and not because I don't have off days. (My grasp of mass transit ethics is firm but not infallible.)

Suppose for a moment that a person L's telling a person C to do x can directly ground the fact that C should do x. It's a remarkable power. She who has it should use it carefully. It seems to me that L should not use it for the envisioned purpose of bringing C to do x despite C's failure to pick up on independent reasons for x'ing. I've argued elsewhere that L should *not* try to get C to do a thing unless L is thereby facilitating C's performing the action for reasons that C has independently of the activity through which L is trying to bring C's action about.

But I also doubt that a legislator enjoys any such power. That anyone does. I don't see what could make it true of a person that her order or decision makes it the case that I should stand. Let me say a few words about one attempted explanation.

### 3

A promising defense of the supposedly direct reason-giving power of legislators exploits an *algorithmic* understanding of the determinants of what I should do.<sup>1</sup>

Suppose it's the case that, if I do everything that the legislature tells me to do and nothing that the legislature tells me not to do, my action is better supported overall, by the reasons I have independently of the legislature's commands, than if I do everything that I take to be sufficiently supported by those reasons and nothing that I take to be sufficiently opposed by them. The account I have in mind urges that in that case the legislature's telling me to get up makes it true of me that I should get up.

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1. The "algorithmic" proposal criticized in the text is roughly inspired by Joseph Raz's "service conception" of authority. See for example Joseph Raz, *The morality of freedom*, 1986, New York: Oxford University Press, part I. I am not confident enough in my reading of Raz to ascribe the proposal to him. Please take it to be made of straw.

To take this on is to renounce a familiar, perhaps even commonsensical principle holding that I should perform an action only if it's sufficiently supported by the independent reasons. For that trusty formula the algorithmic theorist must substitute some more sophisticated general principle relating the facts as to what I should do and the independent reasons that bear on what I might do.<sup>2</sup> Maybe this one:

Suppose that I have epistemic access to the assignments of actions to me by the algorithm A. Suppose that if I do every action A tells me to do and omit every action A tells me not to do, then my action is better supported overall, by reasons I have independently of A's assignments, than if I do the actions and omissions assigned to me by any other algorithm to which I have epistemic access. Then the fact that A tells me to do (or omit) some action makes it the case that I should do it (or omit it).

This roots a requirement to do what someone's telling me to do in reasons that govern my action independently of her say-so. I am glad that the connection to independent reasons is made. But I doubt that this is the right connection.

#### 4

Imagine that I'm a terrible judge of reasons. As bad luck would have it, so are all the other people with whom I'm in contact. Some others are a bit better but still quite bad. I am the village idiot in a village of nothing but idiots.

Every algorithm at hand in the village is just some fool's assignment of actions to me. Let Terrance be, by a thin margin, the wisest of the fools. Then the algorithm [do what Terrance tells me to do] can satisfy the supposition of the algorithmic proposal—it can outperform my own judgment and the action assignments of all other accessible algorithms—even as all but one of the actions that Terrance orders are violently opposed by the Terrance-independent reasons. Then it's then true of every action recommended by Terrance that I should do it. But that is incredible. It's incredible that all but one of the things I should do over the course of my life are fiercely opposed by the Terrance-independent reasons. I should not do those worthless things; I should do better.

Maybe the authority whose commands I'm to obey must meet some threshold of *absolute* reliability with respect to the independent reasons. Then I need not do what Terrance tells me to do. He's not nearly reliable enough. However this leaves the question of what I should do where no accessible authority is over the

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2. Let's be clear that what's needed is a theory of the determinants of what you should do and not just a theory of how you might bring yourself to do the things you should do however those are determined. Maybe you'll do more of what you should if you take a pill of the kind beloved of philosophers of self-manipulation. It *might* follow that you should take the pill as a way of bringing yourself to do more of what you should. To say so is not to claim that the actions you do, on the pill, are ones that you should do because they're the ones the pill disposes you to do. Cf. Derek Parfit, *Reasons and persons*, New York: Oxford, pp. 12 - 13. The current claim is that an action of standing is made to be something that I should do by the fact of a legal requirement to do it.

threshold. The alternative that comes to mind is that I should do what I have adequate independent reason for doing. Does the determination of what I should do revert, in such abject cases, to this standard of independently correct actions? That would have the absurd consequence that, as the least idiotic accessible algorithm improves enough so as to pass through that threshold and acquire authority over my action, the action that I should perform suddenly gets much worse.

And this is no joke. If the community were benighted enough, its least unreliable assigner of actions might be the legislator, public official, or bus driver who orders black passengers to yield their seats to whites. I would guess that, if you are black, and if the driver points to a sign that says

PRIORITY SEATING FOR WHITE PEOPLE

you might do well to stay where you are. Not because your tired back or sore arches give you a reason for sitting that somehow outweighs a reason to stand that you have in virtue of the order to stand. But because the command does not speak in favor of standing.

When they arrested Rosa Parks for keeping her seat they charged her with disobeying an order to stand. We're in her debt because she declined to treat as a reason what was not.

## 5

How does a bill become a law? In a democracy it would happen at least partly through discussion. Someone thinks of something that she thinks we should do. To make a law of it she tries to convince activists, voters, legislators, and judges that it's worth doing. Now she's got to cough up reasons why it's the thing to do. The courses of action that become the objects of legal obligation are ones that many different persons have come to believe are worthwhile. Many have come to believe this as the outcome of a discussion through which they were exposed to others' views about what is to be done and the reasons for doing it.

Through this discussion some people acquire new warrants for believing that the legally obligated courses of action are worthwhile. That is partly because, during the discussion, others have said that the action is worthwhile in a way that directly entitles someone who hears this to take it as true. It is partly because others have mentioned reasons for performing these actions that had never before occurred to the listener but that, after some thought, she accepts in her own right. But perhaps it's also because the very fact that some course of action has emerged with substantial support from this discussion is evidence that it's worth doing.

If you take an algorithmic view you might also regard these epistemic virtues of legislation-as-discussion as evidence that the algorithm [obey the law] outperforms your own judgment. You might conclude that an action's being assigned to you by that algorithm makes it the case that you should do it. I've argued that this last step goes too far.

A bill's becoming a law can be a reason to *believe* that I have a reason do the actions it calls for. It fails to follow that legislation gives me a reason to *do* those

actions. And yet it's pretty credible that the discursive and deliberative character of democratic lawmaking makes a practical and not just an epistemic difference for me. How it does that remains to be explained.

## 6

After discussion, a second mainstay of algorithmic authority is coordination. Each person should do what some person L tells us all to do. And this is true where and partly because: L tends to tell each person to cooperate in situations that have the structure of prisoners' dilemmas; L tends to tell each person to do her part of the best of several coordination equilibria; or L tends to pick one of several equally decent coordination equilibria and to tell each person to do her part of that one.

Consider prisoners' dilemma. The algorithmic theorist presumably thinks that I have most reason to defect. That's why she expects that, unbound by any authority and consulting only my own judgments about reasons, I'll defect. So what's the respect in which, when I cooperate rather than defect, I better conform to the reasons that apply to me? It may be that I live better, or that I've fulfilled more of my independent obligations, when we all follow the rule than when we each defect. But by hypothesis those considerations, brought to bear only on the question of what I'm to do, call for defection.

Apart from the reasons I have to choose one or another action within this situation, I also have reasons to transform it if I can. Maybe those transformative reasons are served by my submission to the authority. If I could do something that would result in most persons' cooperating rather than our all defecting, then my underlying self-concerned or moral reasons might favor my doing it.

But I don't myself transform the situation in this way just by following the algorithm of obedience to L. The situation changes only if many or most or all of us submit. If the others submit, my adherence to independent judgment can't reverse the transformation. And my adherence to independent judgment, because it would have me defect while the others cooperate, would better serve my nontransformative reasons even as the transformative one looks on indifferently.

Now consider pure coordination, in everyone's favorite example of traffic. The algorithm tells me to drive on the right or the left side according as L tells me and all the others to drive on the right or on the left. If the others follow this rule, then my following it qualifies me as conforming to reasons that apply to my action. But the rule doesn't outperform the presumptive outcome of independent judgment. Where I should believe that the others will follow this rule, where L has decreed the right side, and where I believe as I should, I'll judge that driving on the right is supported by the independent reason I have to do that where most others are going to do it.

Where it's false, on the other hand, that some other person will follow this rule, it's false that my following it qualifies me as better conforming to reasons. On the contrary it could get us both killed. So I do better, overall, to go on performing the action that seems best to me given what the others are going to do.

If I were disposed to do what the authority orders, that might be good for the others because it would give them a firmer basis for predicting that I'll do my part and so for deciding themselves to do their parts. But this value in the disposition can't make it the case that I should perform the action assigned by the authority. The fact that a disposition to do what has the property *f* is good, in some way apart from my having reason to do what has *f*, can't make it the case that the action's having *f* gives me reason to do it.

It's looking unlikely that my individual obedience of authority makes it the case that my action better conforms to the independent reasons. You may wish to enter a different rationale for obedience. You might offer that all persons' obedience of some authority can make it the case that all persons' action better conforms to reasons. And you might take this fact as giving me good reason myself to obey. This is a new idea. The proposal I've been considering says that I should obey the authority as a way of bringing myself to do more of what *I* have reason to do. Perhaps it's time to change the subject, from my reasons to ours.

## 7

The elderly passenger is a person, a subject of reasons. I can ask not only what I have reason to do around him but also what he has reason to do around me.

One answer is that he has good reason to take a seat. If he does not sit down, he might fall, hurt himself, upset a second traveller, spread disequilibrium up and down the bus. On his feet he will not enjoy the repose he needs for remembering his younger days or for planning his golden years.

I claim that, if I have good reason to stand up, that is partly because the old man has good reason to sit down. My standing makes available to this other passenger an action for which he has good reason. That he has reason to sit gives me reason to stand.

The thesis is that reasons are *public* in the following respect.<sup>3</sup> Your subjection to reasons for your actions is the source of further reasons for me. That you have good reason to perform some action can give me a reason-given reason to facilitate this action of yours, to abstain from hindering it, or to abstain from doing what would make it not to be worthwhile.

I believe that this reason-given reason to facilitate the action for which you have good reason is grounded on the reason that I have to act consistently with your acting for the reasons you have. It is for its own sake good that a person act for the reasons she has. It's up to her, in the end, to achieve this value. But the value also reaches across the practical challenges of different persons, giving each person reason to act for the sake of the other's acting for the reasons she has.

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3. I follow Thomas Nagel, *The possibility of altruism*, 1970, Oxford: Oxford University Press, part 3. See also Christine Korsgaard, *Self-constitution*, 2009, Oxford: Oxford University Press, pp. 188-202; and R. Jay Wallace, "The publicity of reasons," *Philosophical Perspectives* 23: 471-497.

I don't have room to defend this thesis of publicity here. I will try to show some advantages of taking it on. I will argue that it helps to make sense of the predicament that I share with my fellow passenger and that it helps to explain law's capacity to spring us from that predicament.

## 8

I should stand so that the other passenger can act for the reason he has to sit. The proposal draws many objections, some good and some bad. Ignoring the good ones, let's consider a *terrible* objection.

You might object that, if I will go on sitting in the seat, then the other passenger can't by sitting there ride comfortably or safely. You might conclude that the old man does not have good reason to sit in this seat if I will not give it up. He does not have good reason to do what he can't do or what's not valuable given my own tendencies of action. If I will go on sitting there, this fact helps to give him good reason to look for some other seat or to try his luck swinging in the aisle. When I stay seated and so hinder his taking the seat I afford him an action for which he has good reason after all. My retention of the seat does not stop him from acting for the reasons he has. It upholds the public value of persons' acting for the reasons they have.

I hope you share my sense that this apology for keeping my seat is ridiculous. But it's a little hard to say where it goes wrong. A person who is surrounded by other people can only perform the actions that are causally afforded her by the activity and the practical dispositions of the others. And her available actions depend for many of their good or bad features on the facts as to what the others will do.

The problem is that I'm a person myself. There is still the question of what I have reason to do. I need to work out whether my possible action of keeping the seat is consistent with the other passenger's doing what he has reason to do. On the current telling I am to answer that question by taking as given my own tendency to retain the seat. The fact that I'll be sitting here gives the old man good reason to move on. So it makes it the case that my sitting is consistent with his acting for the reasons he has. I think that I should not take the fact that I'll be sitting here as helping to make itself okay. Actions don't secure their own justifications in this bootstrapping fashion. If an action is one that I may or should do or that I have good reason to do, that's because of facts that hold independently of the fact that I'll be doing it.

If there's anything to the idea of publicity, publicity must insist on a reason-given reason to yield the seat. We should rethink the assumption that the old man's reasons are simply determined by the physical affordances of a causal environment that includes my own activity and practical dispositions. My fellow passenger has good reason to sit even if I am going to make this action unavailable to him. It's because he has reason to sit that I have reason against making it unavailable. This suggests a different test for a person's having good reason to perform some action. If some valuable feature of A's x'ing gives the person A good reason to do

x, then it must be that an x'ing will be available to A, and that it will bear the relevant values, *if persons act in the ways for which they are given reason by the fact that A has good reason to do x*. The old man's reason for sitting passes this test on the hypothesis that his reason for sitting gives me reason to stand. He can sit down, and his sitting down will be good, provided that I will do what his having reason to sit calls for me to do: give up the seat.

The simpler view with which mine competes holds that my reason for standing up is given by the fact that by emptying the seat my standing up will help to bring it about that the new passenger sits down. Like a shaky and very slow-moving pinball he will either come to rest in my seat, if I'm out of it, or be deflected from it, if I'm still there. The physics is hard to quarrel with, but I doubt that it settles what I should do. The disabled person will sit or stand as he sees fit. If he's not going to sit, standing so that he can sit is not so sensible. Maybe what I need is an extended physics—physics plus psychology and sociology—capable of predicting what he will do according as I sit or stand. I've argued that this is not the right approach to the many-body problem when the bodies belong to persons. Instead of asking what I'm to do given the difference in our physical capacities and given his predicted responses to my possible courses of action, I should ask what he and I are to do given only the difference in our physical capacities. Only that difference is given to us in the sense of being determined independently of his and my deliberation about what to do.

Imagine that I stand up because he has reason to sit down. Imagine that he sits down because he has reason to sit down. I am standing up. He is sitting down. At one level of description we're acting differently in a way that's explained by the difference between our bodies. But he and I are each also making-a-move-because-the-man-needs-to-sit-down. At this second important level of description we are each doing the same thing in a way that's explained by the fact that the same reason applies to each of us. On his way down and on my way up we might trade a look that says "I'm doing what you're doing." It's a nice look, nicer than others to be had on the bus.

## 9

The old man's having reason to sit is not in virtue of the fact that I will stand. His reason to sit calls for me to stand, and he succeeds in doing what this reason calls for me to do in virtue of his sitting and my standing. His practical success is our joint product.

I think that his action and mine are related by a second interdependence of a similar nature. I have good reason to travel safely and comfortably on my feet. If the bus is crowded enough, then I can't stand up, or stand safely and comfortably, unless the other passenger sits. There's no room in the aisle for the two of us among all others who are struggling there to stay upright. It seems to me that he has reason to sit partly because I have reason to ride comfortably and safely on my feet. The fact that he won't sit down can't deprive me of this reason for standing. When I succeed in acting for the reason I have to ride comfortably and safely on my feet, I succeed in virtue of his sitting as well as of my standing.



Each person is in her own right the subject of an underlying reason to travel safely and comfortably on this bus. That one person has the reason gives the other good reason to facilitate the other person's action by staying out of the other person's way. Each person succeeds in virtue of both reasons, and she does this in virtue of both individual actions. You can't characterize a *person's* normative practical success without mentioning both passengers' reasons to ride safely. And you can't characterize the fact of compliance with any one such *reason* without mentioning both individual sitting or standing actions.

I think that this double, cross-cutting interdependence is well marked by saying that the elderly passenger's reason for travelling comfortably and safely in the seat and my reason for travelling comfortably and safely on my feet give *me and him* good reason for the pattern of his and my actions that has him sitting down and me standing up. Each of the two persons is the subject of a standard set by both underlying reasons that calls for the performance of both individual actions of sitting down or standing up. Each person is the subject because each is accountable to both underlying reasons and because each succeeds in doing what's called for by the two underlying reasons in virtue of the two individual actions.

When I stand up and he sits down, my standing up doesn't give him reason to sit down, and his sitting down doesn't give me reason to stand up. The pair of these actions through which we trade places is already one for which we share good reason independently of whether we're going to do it.

## 10

If you've travelled on crowded trains or busses where seating for the elderly and disabled is not designated by law, you know that often enough there's a further issue. Many people are now sitting any one of whom could easily ride on her feet. Who will be the one to get up?

There exist several distinct patterns of individuals' sitting and standing through which we might all act for the reasons each has to ride comfortably and safely. I could get up as the disabled passenger and the others sit. Or you could, or she could, or he could. You and I and she and the elderly passenger have sufficient reason to fall into any one such pattern. And we have good reason against the pattern in which all the physically robust riders keep their seats, leaving the disabled passenger to struggle for stability on her own. We'll need to pick.

But interpersonal picking is not always easy. It's not easy even to say what interpersonal picking is. Let me describe one form that it might take.

Each person might bring to this domain of her action what I'll call a *democratic intention*. Let  $C(S, A, x)$  be a circumstance in which: some person has proposed to each of many persons a pattern  $S$  in all their actions that includes  $A$ 's  $x$ 'ing; no one has rejected that proposal by pointing out good reasons against it; and  $A$  has judged that if we all do our parts of  $S$  then each does what's called for by the independent reasons she has and by the reason-given reasons she has to facilitate

the others' doing what they have reason to do. A's democratic intention is then her intention to perform an action of x'ing in C(S, A, x).

I suspect that some of my fellow riders are carrying intentions of this kind. As the disabled newcomer approaches the areas where we're sitting, we exchange mildly embarrassed glances. Finally one of us indicates by a slight shift in her body language that she's on her way up. She's proposing that she stand up so that the others may keep their seats as the disabled passenger takes a seat. No one rejects the proposal by speaking against it or by making as though to stand up herself. We return our attention to our headphones or daydreams. Each then carries out her intention to sit or stand in the pattern that's proposed and on the basis of her judgment that it's a fine pattern.

Maybe you'll regard as an idealized description of actual coordination on the bus. Maybe you think it's a fantasy. Never mind. Whether or not this is how we really get along, I want to argue that it's a good way of getting along.

If we all have these intentions, each end up intends each to perform one part of the same good pattern of our sitting and standing, and we end up sitting or standing in that pattern. This is good partly because we succeed in acting for the reasons we already have to realize the pattern. We sit or stand in a good pattern, and each person sits or stands in execution of an intention that arises from her judgment that we have good reason for sitting or standing in the pattern. We don't make the pattern to be good by proposing or accepting a plan that prescribes it to us or by forming and exercising the democratic intentions that bring us to carry it out.

It can seem that our motivations and dispositions, though they don't make the pattern to be good, make a person's individual action of sitting or standing to be something that a person should do. Our dispositions cause all of the others to play their parts of the picked pattern. So they make it the case that I have reason to play my part. This is what I've denied. When things go well with our action and deliberation, the facts as to what the others are going to do don't settle the question of what I should do. I should do my part because it's part of a good possible pattern. In standing now I join the others in satisfying a standard that, before we began to think about it, has already called for us to perform one or the other of the several good patterns.

## 11

If I keep my seat when a pattern that calls for me to stand has been proposed and not rejected, I am going wrong. The simplest explanation of my failure is that I have good reason to stand, a reason that went into force when it was decided that I would be the one to stand. My action of keeping my seat would be fine in other circumstances, as when it's proposed that I keep it. This suggests that our decision gives me a reason for standing that I would otherwise lack. I've just argued against this explanation of my failure. But I owe you an alternative account.

Suppose that I keep my seat because I simply want to sit. I want to sit even if some other passenger shows a greater need for the seat. I want to sit even if it's been

proposed that I stand as you and the old man sit and even if no good objection to that plan has come to light.

Now you and the old man are faced with my disposition to sit no-matter-what. The elderly passenger fails to sit, or he fails to ride comfortably, if he tries to sit where I'm sitting. You fail to facilitate his riding comfortably if you keep your seat. You are each bound to take my disposition to sit as calling for the old man not to sit where I'm sitting and as calling for you to surrender your seat. In deciding what to do, it would be rash of you to overlook the fact that, whatever you decide, I will not budge from the seat I call mine.

Suppose that these actions of yours constitute your acting for the reasons you have. I give you reasons to perform them by being disposed to keep my seat no-matter-what. Then I may take the fact that I want to sit no-matter-what as making my sitting to be consistent with your acting for the reasons you have. My disposition to sit no-matter-what makes itself to be okay by making it okay me for to stay seated. I've argued that this won't do. My disposition to sit does not bootstrap a permission of my sitting.

I conclude that the actions I compel you to take are not ones that you can perform and thereby act for the reasons you have. My proclivity for sitting leaves you with certain options. You do the best you can given my immobility. It makes you unfree, in doing the best you can, to act for the reasons you have. I go wrong in being disposed to sit in a way that makes unavailable to the rest of you an action of acting for the reasons you have.

You might think it follow that I should give up the seat partly so that it's false that I have this disposition that makes the rest of you unfree. This would take back my earlier insistence that reasons for a person's action aren't grounded on the values or disvalues of the dispositions that she manifests insofar as she's motivated by those reasons.

But this last step is not necessary. It's not needed for practical guidance. I can decide to give up the seat, not so as to avoid the bad disposition that would make you unfree, but simply because it forms part of a pattern for which we have good reason. When I carry out my intention to sit or stand according to a pattern that's been proposed, I can take my action as one for which I have reason because it forms part of a pattern through which no one hinders a comfortable ride by anyone else.

## 12

Here's a story about how it might have come to pass that a sign reading  
PRIORITY SEATING FOR THE ELDERLY AND DISABLED  
hangs over the front few seats on the bus.

People who ride buses have a number of problems in common. From time to time we manage to talk our problems through together. At first this happened just between two or three passengers riding the same bus and griping because it was

running behind schedule, one of the windows broken, the air conditioner stuck. Eventually someone suggested we get together to talk about fares, routes, and larger systemic matters. We rented a hall and advertised for a Tuesday night meeting open to all riders.

At one point in the discussion someone raises the question of physical disability. She argues that a disabled person has a greater need to sit, and that this counts in favor of able-bodied riders' standing so that disabled riders may sit. Many other people come up to the microphone to agree.

Complications arise. What counts as disability? Which forms of disability make for which degrees of difference in the need to sit down? Which distribution of passengers over the seats and standing areas are favored by these facts?

Someone writes down an explicit definition of physical disability. Objections are raised, and the definition adjusted. Another rider draws a seating chart indicating, as an area of priority for the disabled, the three frontmost side-facing seats to the left of the aisle. It's pointed out that because a disabled passenger who boards the bus from the right would have to cross the aisle in order to reach the designated seats, this designation makes for congestion than if we were to set aside the three frontmost side-facing seats to the right of the aisle. The chart is redrawn. After a few more hours of give and take, a resolution is read out to the effect that no person who fails to meet the explicit definition of disabled will sit in that area if someone who meets the definition has yet to find a seat. The motion carries. A few activists volunteer to hang the familiar signs over the front seats tomorrow. Before going to bed someone posts online the resolved definition of disability.

Tomorrow if I keep my seat under the newly hung sign I am going wrong. My failure is not my failure to perform a standing action for which I'm given reason by the fact of our decision. If I keep my seat, that will be because I'm disposed to keep sitting there no-matter-what. My disposition to sit no-matter-what makes the rest of you unfree, in exercising your own dispositions to do what the sign says, to act for the reasons you have. Someone else will have to stand because I am keeping the rest of you out of the seat I occupy.

As before I doesn't follow that I should vacate it so that I will lack this disposition that makes you unfree. But the badness of my undemocratic disposition is in any case redundant to a good decision. It's open to me to decide to rise for the reason I already have to make way for the other passenger.

### 13

That my action is required under democratic law, I propose, is the fact that by doing it through the exercise of a democratic intention I could join the others in acting for the reasons we share for patterns of action through which each person facilitates or abstains from hindering the actions of others for which those others have reasons.

That my action is required under the law doesn't give me reason to do it. It bears an important relation to my reasons for action all the same. We could act for the reasons we have by doing what's legally required of us in exercise of our democratic intentions.

I see no reason to confine this conception of the law and its value to bus problems or the competition of bodies for space. Here's another social problem. Each person has good reason to employ material resources in her valuable projects. She has good reason to facilitate other persons' acting for such reasons. She can do this by keeping her hands off certain things that the others might use or even by making things for the others to use. But if I'm disposed to enclose what I need for my projects and to exclude you from the things you need for yours, I compel you to make do with what I leave for you. You will have to reckon with the accomplished fact of my appropriation. It makes you unfree, in carrying out the projects this affords you, to act for the reasons you have.

But we could yet act for these reasons. Each person might intend to play her part in schemes for the general use of external resources that are proposed in an open discussion about reasons for sharing them out through those schemes.

## 14

I've been talking about coordination. I'd now like to reconsider discussion.

The independent reasons that call for us to interact in one or the other of the good patterns also give each person reason to try to persuade the others that we should act in the patterns they recommend.

Suppose that we were disposed to follow a pattern that's picked for us, not after a discussion, but by a fairly reliable lottery. Then I could not act for the reasons I have to persuade the others to do what's required by the independent reasons. I would know that they'll be doing whatever is put out by the lottery. A similar point tells against dispositions to follow patterns selected through a discussion that excludes some person from proposing or criticizing patterns or that puts certain considerations of value off-limits. Our dispositions to act in the patterns selected on this basis would keep the excluded persons from acting for the reasons they have to argue for worthwhile courses of action. Or they would keep us from acting for the reasons we have to defend or criticize patterns on grounds of the excluded considerations.

These are not incidental flaws. I've argued that the value of our deciding to perform our parts of proposed plans consists in the fact that this allows us all to act for the reasons we have for carrying those plans out. No procedure of coordination can have this value if it prevents persons from acting for those same reasons by arguing for action on grounds of those reasons.

Open discussion is necessary for the democratic legal project to have the value I've claimed for it. So is common knowledge of the plans that are taken up.

Each person needs to know that all persons know which patterns are being picked. This is not because each needs to be assured that the others will do their parts. It's because each needs to know that her own action will not be taken by some other person as directly determining what the other must do. Suppose that I'm the disabled passenger. If I were not to know that you know that the front right-hand seats are reserved for disabled riders, I would have to worry that you will regard my own action of keeping my seat as compelling you to stand in the aisle.

But if we've talked about a plan for reserving seats for the disabled, and if the plan is marked in a place where everyone can see it, then I can know that you know that in keeping my seat I am not just compelling you to go along with what I'm doing but am rather leaving you free to act for reasons you have to stand. I see that you see the sign I see. I know that you know that in yielding your seat you are yielding it not to me but to the law. That is the value of a sign.

## 15

Democracy is not "the worst form of government except for all the others."<sup>4</sup> Democracy is wonderful. Can philosophy say what's so wonderful about democracy? Or is that asking too much?

People were excited in 1994 because it seemed that the new government of South Africa would start improving South African social life in "substantive" ways that could be characterized independently of the legal "procedures" by which that government arrived in power or exercised it. Where people were once packed onto the rickety private "minibuses" that carried them from townships to workplaces along extremely indirect routes, the new government would build a system of public transportation and run it so that everyone might enjoy the same possibility of mutually unobstructed motion over the territory.<sup>5</sup> But we were also happy because we expected those buses to be built by a government that the people had lined up to vote for, and administered through laws the riders had proposed and criticized.

I think that there's no need to choose between substance and procedure so understood. The destination is important. It also matters how the people get where they are going.<sup>6</sup>

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4. As if you were going to take Winston Churchill's word for it.

5. This seems to be happening, twenty years later, with the institution in some South African cities of Bus Rapid Transit. But it's been a struggle. Those who would keep the new buses from transporting people across the old lines can't stop this from happening, but they've retained the power to slow it down. (Celia W. Dugger, "A bus system opens rifts in South Africa," *New York Times*, February 21, 2010.)

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