

On The Idea of Public Reason*

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The idea of public reason is at the center of John Rawls's political philosophy. Although the mature statement of this idea is only developed in *Political Liberalism* and "The Idea of Public Reason Revisited," (Rawls 1996; Rawls 1999a) Rawls's contractualism is an expression of the same basic moral insight: our laws and political institutions must be justifiable to each of us by reference to some common point of view, despite our deep differences and disagreements. This commitment to the public justification of political power is at the heart of Rawls's vision of a just and stable society.

Public reason, however, is not only a standard by which we measure laws and political institutions. It is also a set of guidelines to regulate the behaviour of legislators, judges, and ordinary citizens. Public reason requires a form of deliberative democracy, whereby citizens only support those fundamental laws and political institutions that they sincerely believe can be justified by appeal to political values that others could reasonably accept. In particular, public reason entails a moral *duty of civility* that requires us to explain to one another how our important political positions are justifiable by reference to a reasonable political conception of justice, and to refrain from supporting positions when we believe they can only be justified by appeal to a religious

doctrine, or some other comprehensive doctrine that we cannot reasonably expect everyone to endorse (Rawls 1996, 217; Rawls 1999a, 135). Acting in accordance with this duty would require radical changes to our existing political institutions and behaviour. Currently, many political issues such as abortion, stem-cell research, gay marriage, prostitution, gambling, pornography, school curriculum and school prayer, foreign policy, and other matters of basic social justice are often debated and sometimes even decided by appeal to religious arguments or other controversial moral doctrines over which reasonable people disagree. The idea of public reason requires us to abandon this practice, and reshape our behaviour so that our most important political issues are decided by appeal to conceptions of justice that reflect only the shared political values implicit in the culture of a constitutional democracy.

In this chapter I discuss the practice of public reason (section 1), the moral basis of public reason (section 2), and the challenge posed by religious critics of public reason (section 3).

1. The Practice of Public Reason

1.1 Subject

What is the subject matter of public reason? What are the topics to which public reason applies? At the most abstract level, the subject of public reason is the good of the public in a constitutional democracy (Rawls 1996, 213). More specifically, public reason is the reason of equal citizens in a democracy when they act as a collective to exercise final political and coercive power. This means that the primary subject matter of public reason is what Rawls calls the constitutional essentials and matters of basic justice (Rawls 1996, 214). Constitutional essentials include (Rawls 1996, 227):

- (a) The principles that structure the government and political process (e.g. rules determining who may vote, and whether a system is parliamentary or presidential).
- (b) The basic rights and liberties of citizens.

Matters of basic justice concern the principles that determine the distribution of important goods such as income, wealth, opportunities, and positions of power that are not already covered by the constitutional essentials (Rawls 1996, 228-9). There are other political issues—for example, funding of the arts, or environment regulation—which, according to Rawls, are not constitutional essentials or matters of basic justice, and so do not form part of the subject matter of public reason (Rawls 1996, 214). I will refer to

these issues as matters of ordinary legislation. The scope of public reason is thus limited on Rawls's account to constitutional essentials and matters of basic justice, and excludes ordinary legislation.

Is the distinction between constitutional essentials and matters of basic justice on the one hand, and matters of ordinary legislation on the other, tenable? Surely almost everything that might be described as a matter of ordinary legislation has some bearing, however small, on more fundamental matters (Greenawalt 1994, 685-86)? For example, any resources spent on ordinary matters could always be reallocated to protecting basic rights and liberties. And even setting this worry aside, why focus on constitutional essentials and matters of basic justice? Rawls offers no definitive answer to this question, but he offers the following suggestion (Rawls 1996, 230): provided constitutional essentials and matters of basic justice are settled by appeal to public reason, willing political and social cooperation between free and equal citizens will usually be possible. Perhaps social order could also be maintained by threatening or manipulating citizens, but under these conditions we could not say that citizens willingly cooperate with each other on terms that are acceptable to all.

Even if this provides a satisfactory answer to our second question—why focus on the constitutional essentials and matters of basic justice?—it doesn't provide a satisfactory answer to a third question: why exclude matters of

ordinary legislation from the scope of public reason? Why not extend the scope of public reason to include all the political questions that citizens face in a democratic society? I have, elsewhere, expressed my doubts regarding Rawls's resistance to expanding the scope of public reason in this way, and so I will not pursue this question here (Quong 2011, 273-87).

1.2 Content and Structure

The content of public reason has two parts (Rawls 1996, 224).¹ First, there is a political conception of justice that provides citizens with the substantive principles designed to regulate the basic structure of society. Rawls favours his conception of justice as fairness and its two main principles, but any political conception of justice can serve this role, provided it: (1) includes basic rights, liberties, and opportunities, (2) assigns this list a certain special priority compared to other goods, and (3) ensures citizens are provided with all-purpose means to make effective use of these freedoms (Rawls 1999a, 141). A conception of justice is suitably *political* when: (a) its principles apply to the basic structure of society, (b) it can be presented independently of any comprehensive doctrine, and (c) it can be worked out from fundamental ideas implicit in the public political culture of a constitutional regime (Rawls 1999a, 143). The principles of such a political conception (or the family of liberal conceptions that have these features)

provide the normative framework to which citizens can appeal when debating and voting on constitutional essentials or matters of basic justice. Second, the content of public reason contains guidelines of public inquiry, which include both “principles of reasoning and rules of evidence” as well as the virtues of reasonableness and civility that help make public discussion possible (Rawls 1996, 224).

One important challenge regarding the content of public reason arises from Rawls’s claim that public reason needs to be *complete* (Rawls 1996, 225; Rawls 1999a, 144-46). The content of public reason must be sufficiently detailed and ordered in a way that will give at least one reasonable answer to all, or almost all, questions concerning constitutional essentials and matters of basic justice. If the content of public reason was not complete in this way—if it was indeterminate regarding many important political questions—it would not be able to perform its main function, namely, to provide a common framework for citizens to use as the basis for resolving fundamental political questions. A conception of justice—such as Rawls’s justice as fairness—with very specific principles that are also ordered in a particular manner helps to ensure the completeness of public reason. But some critics argue that this concern for completeness merely creates a different problem. If the content of public reason must be sufficiently detailed and specific to be complete, it seems like all the important normative work is done by the philosopher who designs the political conception of justice, and not by the actual citizens who deliberate about political questions. To some, Rawls’s account of the

content of public reason thus wrongly prioritizes philosophically-derived liberal principles over the democratic autonomy of actual citizens (Habermas 1995, 127-28).

I believe this objection is misguided. First, certain fundamental liberal rights and principles—for example, free speech and freedom of religion—are beyond reasonable dispute, and so incorporating such rights and principles into the content of public reason does nothing to unreasonably threaten democratic autonomy; a democracy that sought to deny such rights would be acting unjustly and illegitimately. Second, as Rawls has emphasized, the content of public reason is not fixed by one specific conception, rather it can include any conception of justice within a broadly liberal family, and so there is ample scope for each citizen to exercise his or her democratic autonomy by advocating for the conception of justice he or she thinks best. Finally, even if the content of public reason is too abstract to provide a single determinate answer to any important political question we might face, this does not mean that public reason fails to be suitably complete. So long as the content of public reason alone provides enough normative material to arrive at one or more reasonable answers, this degree of completeness is all citizens require in order to be able to eschew non-public reasoning over essential matters (Rawls 1996, 246). Rawls does not believe that citizens must all agree on the content of public reason—he does not suppose that a reason or argument fails to be suitably public unless it is in fact accepted by all citizens. Instead, public reason simply requires that we sincerely believe that the arguments we offer to others

are drawn from a political conception of justice that others *could* reasonably endorse, even if they do not *in fact* endorse our preferred conception (Rawls 1996, 241).

Let us turn to the structure of public reason. Rawls argues that certain core ideas that are implicit in the public political culture of a constitutional democracy – the idea of citizens as free and equal, or society as a fair system of social cooperation – provide the normative basis from which public reasoning must occur. Public reasoning thus involves an appeal to *shared* democratic and liberal ideas, whereas non-public reasoning necessarily invokes values or modes of reasoning that are controversial and the subject of reasonable disagreement amongst citizens.

Some theorists of public justification, however, argue that public reason need not appeal to shared reasons, and can instead be achieved purely via a convergence of different individuals' non-shared reasons (Gaus 2011, 283-92; Gaus and Vallier 2009). Provided the law could be justified to each citizen by appealing to his or her own religious or otherwise comprehensive doctrine, then the law is publicly justified via a convergence of these different (and possibly conflicting) non-shared reasons. This alternative conception of the structure of public reason would have wide-reaching implications regarding the duty of civility and the evaluation of many laws and institutions. I believe, however, that there are sound reasons to reject this convergence view of public reason's structure. Most importantly, when a law is only supported by a

convergence of different non-shared reasons it seems unlikely, given the fact of reasonable pluralism (Rawls 1996, 54-66), that we could each sincerely regard the law in question as being genuinely justified to all reasonable citizens of different faiths and doctrines. It is more likely, under these conditions, that we would believe some of our fellow citizens of different faiths or doctrines were simply mistaken in accepting their particular non-shared reasons as providing sufficient grounds for the law in question (Quong 2011, 261-73).

1.3 Constituency, Site, and Civility

To whom do our fundamental principles and laws need to be justified? The short answer is, everyone—all those to whom the laws and principles apply. However, justifying a principle or law to a person does not require showing that the person can or would accept the law based on his or her current beliefs. Rather, it requires that we offer a justification that all persons could endorse in their idealized role as *reasonable citizens* (Rawls 1996, 54-61).² Reasonable citizens accept the idea of society as a fair system of social cooperation for mutual benefit between free and equal citizens. They also accept what Rawls calls the burdens of judgement and the resulting fact of reasonable pluralism. Because reasonable citizens accept these two ideas, they accept the *liberal principle of legitimacy*: the exercise of political power is only legitimate when it

can be justified in accordance with constitutional essentials and matters of basic justice that can be justified by appeal to values and principles acceptable to all reasonable and rational persons (Rawls 1996, 217; Rawls 1999a, 136-37). Specifically excluded from the constituency of public reason are *unreasonable* citizens: those who reject one or more of the preceding ideas. This does not mean that unreasonable persons are excluded from the rights and benefits of citizenship, but it does mean that they are excluded from the constituency of persons to whom arguments about the rights and benefits of citizenship must be justifiable (Quong 2011, 290-314).

A different question is this: to whom do the requirements of public reason apply? That is, who must adhere to the moral duty of civility: the duty to only support policies and principles that are defensible by reference to suitably political values and political conceptions of justice, and to articulate those shared reasons when deliberating with others? In one sense, again, the answer is all of us: all citizens ought to respect the duty of civility when deliberating or voting on constitutional essentials and matters of basic justice (Rawls 1996, 217-18). But the requirements of public reason impose more stringent duties on judges, as well as other elected officials or those running for office (Rawls 1999a, 133-35). This is because, in their role as state officials, these people operate at the main *site* of public reason, or what Rawls calls the public political forum. This forum has three parts: (1) the discourse of judges, (2) the discourse of government officials, and (3) the discourse of candidates for public office and their campaign

managers (Rawls 1999a, 133-34). Ordinary citizens, however, are also expected to adhere to the duty of civility when they deliberate and vote on essential issues, thus doing what they can to hold government officials accountable to the standards of public reason. Rawls says that in these cases citizens ideally ought to think of themselves as if they were legislators (Rawls 1999a, 135-36). Rawls also says that the idea of public reason applies to the *discourse* of citizens when debating constitutional essentials and matters of basic justice (Rawls 1996, 217-18).³

The duty of civility, however, only applies to individuals in their capacity as citizens, that is, when they enter the public political forum, and only when they support, or vote on, some constitutional essential or matter of basic justice. Citizens are not generally constrained by the duty of civility in their daily lives, for example, when they discuss issues with their family, or as members of religious groups or universities, or in their roles as members of any association in what Rawls calls the background culture of society (Rawls 1999a, 134). The duty of civility is also only a moral, and not a legal duty, and thus no one's speech could be legitimately restricted by appeal to this duty. For Rawls, the right to free speech is lexically prior to the duty of civility (Rawls 1999a, 136).

The duty of civility also does not preclude citizens from introducing their religious or otherwise comprehensive reasons into political debate provided these

arguments are supplemented by sufficient public reasons in due course (Rawls 1999a, 152). Rawls refers to this as “the proviso” or the “wide view” of public reason. He emphasizes that under different types of political circumstances—particularly when a society is not justly arranged or when divisions in political society run deep—there may be substantial benefits to be had if citizens introduce their religious or comprehensive rationales into political debate to reassure other citizens of their sincere commitment to core political values and help bring about a more just society (he cites Martin Luther King’s religious arguments in favour of civil rights as an exemplar). In these cases, the introduction of non-public reasons can ultimately strengthen the ideal public reason.

Some critics protest that the duty of civility is unrealistic, unreasonable, or counterproductive in the harsh world of contemporary democratic politics. Put crudely, in order to promote justice, one must wield some degree of power or influence, and so the main point of democratic politics is to use whatever legal means are available to win political power. Manipulative rhetoric, political bargaining, and any other legal means available can and should be used to win power and influence people. Since this is how one’s political opponents will behave, it is naïve and self-defeating to constrain one’s pursuit of political justice by adhering to Rawls’s duty of civility.

In one sense, this objection simply misunderstands Rawls’s position. Rawls is careful to state that the idea of public reason and the duty of civility belong to an *ideal* of

how things ought to be in a democratic society, assuming citizens as just and society as well-ordered according to a political conception of justice (Rawls 1999a, 131). This “describes what is possible and can be, yet may never be” (Rawls 1996, 213). Pointing out that adhering to the duty of civility may be counterproductive under current conditions is thus no objection to the ideal, since current democratic societies are far from ideal or well-ordered. However, there is another sense in which the objection remains powerful and largely unaddressed. If Rawls’s conception of public reason is only intended for an ideally just and well-ordered society, how should citizens behave in our imperfect and non-ideal world? What, if anything, do public reason and the duty of civility entail in our current non-ideal conditions? This is a hugely important question that has received insufficient attention.

2. The Basis of Public Reason

The idea of public reason, we have seen, is a view about what kinds of reasons citizens in a well-ordered democratic society ought to invoke when deciding important political questions. It asks us to refrain from appealing purely to religious or comprehensive doctrines over which reasonable people disagree, and instead to seek shared reasons acceptable to similarly motivated persons to justify political principles and laws. But why should we accept this idea? What is the moral basis for endorsing this particular

conception of democratic politics? In this section I consider three possible answers.

There is some textual support for each of these answers in Rawls's work, but I will argue that the third represents the best interpretation of Rawls's own view, and is also the best answer for those committed to a political liberalism.

2.1 Autonomy

On one view, we are not truly free unless we act in accordance with laws that we rationally give ourselves. To follow laws that are authored by others and not yourself is to be subject to the will of those others, and thus to be unfree. And even if you are not subject to the will of others, you can fail to act autonomously if your actions are capricious or influenced by transient desires, rather than being guided by your own rational choices. On a Kantian account, we express our nature as rational beings—and act autonomously—by acting in accordance with maxims that we could rationally will to be universal laws. On a view with Rousseauvian roots, democratic autonomy is realized when the laws governing our society are justified by appeal to the common good and thereby express the general will of all citizens.

There are elements of these ideas in Rawls's early work. Rawls famously offers a Kantian interpretation of his account of justice as fairness (Rawls 1999b, 221-27). He suggests that the principles that the parties would accept in the original position are like

categorical imperatives since they express our nature as free and equal rational beings—the principles are agreed to by parties without knowledge of any of the contingent features of our individual lives. This means that when we act in accordance with those principles, we act autonomously. Having explained how his own theory may be given this Kantian interpretation, Rawls then goes on to say that “Kant’s main aim is to deepen and to justify Rousseau’s idea that liberty is acting in accordance with a law that we give to ourselves” (Rawls 1999b, 225). A commitment to public reason might thus be grounded in a Kantian or Rousseauvian claim regarding the preeminent value of a certain kind of autonomy.⁴

The main difficulty with such arguments is that they seem to presuppose a particular comprehensive doctrine. Rawls famously developed the idea of a political liberalism in part because his account of stability in *A Theory of Justice* was grounded in a Kantian view whereby the exercise of our rational agency is seen as the preeminent form of human flourishing (Rawls 1996, xvii-xix).⁵ But if reasonable and rational people will always disagree about human flourishing under liberal conditions, then an internally consistent liberal theory must not assume that citizens endorse any particular view of human flourishing. Thus the later Rawls, and all those who share his assumption about the fact of reasonable pluralism, cannot ground a commitment to public reason in the role that autonomy plays in expressing our rational nature. It would not be unreasonable for some citizens to reject this account of autonomy, and

thus this account of public reason's basis would be unstable in a well-ordered society (Weithman 2002, 188-91).

2.2 Coercion and Respect

A second view regarding the basis of public reason concerns how coercion can be made compatible with respect for persons as ends. Charles Larmore, for example, argues that "to respect another person as an end is to require that coercive or political principles be as justifiable to that person as they presumably are to us" (Larmore, 1999, 608).

Conversely, "if we try to bring about conformity to a rule of conduct solely by the threat of force, we shall be treating persons merely as means, as objects of coercion, and not also as ends, engaging with their distinctive capacity as persons" (Larmore 1999, 607).

Similarly, Thomas Nagel says that "if you force someone to serve an end that he cannot be given adequate reason to share, you are treating him as a mere means—even if the end is his own good, as you see it but he doesn't. In view of the coercive character of the state, the requirement [for unanimity, similar to the idea of public reason] becomes a condition of political legitimacy" (Nagel 1991, 159). Clearly this view also has Kantian roots, though the emphasis is different; the issue is whether those who are subject to coercion are treated with appropriate respect as ends-in-and-of-themselves, and not whether we act autonomously in following laws we can all rationally will.

Gerald Gaus also advances a view of public justification grounded in the importance of reconciling coercion with respect for persons:

Because we recognize other moral persons as free and equal, having authority – perhaps we should say “moral sovereignty” – to interpret their own moral obligations for themselves, our claims to have standing to command that they comply with our view of the demands of morality appears to manifest disrespect for them as equal interpreters of morality (Gaus 2011, 17).

For Gaus we avoid manifesting this disrespect when our claims to moral authority can be justified to those against whom the demands are pressed. Like Larmore and Nagel, Gaus focuses on moral demands backed by threats of coercion. He argues that there is a *presumption in favour of liberty*, whereby there is no obligation to publicly justify our choices to others unless we are interfering with, blocking, or thwarting the agency (or negative liberty) of another person (Gaus 2011, 341-46).

This thesis—that coercion can only show due respect for persons as ends (or as sovereign interpreters of morality’s requirements) when it can be reasonably justified to those subject to the coercion—has a wide currency, and it is sometimes attributed to Rawls.⁶ But I do not believe this is the best interpretation of Rawls’s view. Though some of Rawls’s remarks do point in this direction, he never explicitly formulates or develops his view in this way, and he rarely mentions coercion in his discussion of public reason.

Setting the exegetical issue aside, should we endorse this respect-based and coercion-centric account of public reason’s moral basis? There are several reasons to be sceptical of this view. To begin, the conception of respect for persons to which Larmore and Nagel appeal remains vulnerable to the same objection pressed against the appeal to autonomy (I do not believe this objection applies to Gaus’s different view of respect). That is, the Kantian idea of respecting persons as ends-in-themselves will be the subject of reasonable disagreement amongst citizens in a well-ordered society, and so grounding a commitment to public reason in this way is unstable. Larmore denies this charge, but I won’t attempt to settle the dispute here (Larmore 1999, 623-24). Let us instead consider the coercion-centric aspect of this view.

I think we should reject the view that the main purpose of public reason is to legitimate or render permissible coercion or threats of coercion against individuals. First, this view presupposes a non-coercive benchmark from which departures must be

publicly justified in order to be legitimate. But there is no good reason to believe that coercive rules or actions always stand uniquely in need of justification when compared to non-coercive alternatives.

Second, consider the following example:⁷

State Religion: Our country is deciding whether or not to make Catholicism the sole national religion. If implemented, this decision would involve the incorporation of religious references into official government documents, declaring certain important Catholic holidays to be national holidays when federal employees would not be required to work, and using state-run lottery funds to support Catholic charities and subsidize the Catholic Church in other ways.

It is implausible to suppose that the set of policies above are not the proper subject matter of public reason, but the coercion-centric view will have difficulty reaching this conclusion since none of the policies involve the coercive use of state power to interfere with citizens' liberty.

Finally, imagine a society where laws are debated and determined democratically, but all citizens always internalize and voluntarily comply with the rules and requirements issued by the government even when they believe them to be deeply mistaken or lacking a coherent rationale. They do so because they believe they are required either as a matter of justice or legitimacy to comply with a democratic government's demands. Since these rules will be followed as a result of internalization rather than via the threat of coercion, the coercion-centric account of public reason cannot explain why the fundamental institutions, rights, and laws in this imagined society ought to be regulated by the idea of public reason. But this is a serious flaw. Public reason is always needed to assess our fundamental political principles and institutions even when, indeed perhaps *especially when*, citizens obey out of a sense of justice or civic obligation rather than out of fear of coercion.

2.3 Justice

I believe we do better to see public reason as grounded in the value of justice, more specifically, the moral value of ensuring that the fundamental rules that regulate a constitutional democracy are fair, so that citizens can live with each other on just terms. Consider the question with which Rawls begins his political liberal project: "how is it possible for there to exist over time a just and stable society of free and equal citizens,

who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?" (Rawls 1996, 4). Rawls believes this realistic utopia can only exist if we can find a shared basis for settling fundamental political questions:

Justice as fairness tries to do this by using a fundamental organizing idea within which all ideas and principles can be systematically connected and related. This organizing idea is that of society as a fair system of social cooperation between free and equal persons viewed as fully cooperating members of a society over a complete life...this conception provides a publicly recognized point of view from which all citizens can examine before one another whether their political and social institutions are just. It enables them to do this by citing what are publicly recognized among them as valid and sufficient reasons singled out by that conception itself...the aim of justice as fairness, then, is practical: it presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned, informed, and willing political

agreement. It expresses their shared and public political reason (Rawls 1996, 9).

Adhering to the requirements of public reason is thus how we can each endeavour to treat each other justly. Of course there will be those who deny that a purely political conception of justice is valid, and insist that political decisions should be based on the whole truth as defined from within their comprehensive perspective. But such people are unreasonable in at least one of two ways. Either such people deny the fact of reasonable pluralism, or they deny that the fundamental principles of justice ought to be reasonably acceptable to other free and equal citizens. To deny the former is to deny something that proponents of public reason believe is a plain fact about the exercise of rationality under free conditions (Rawls 1996, 4, 55-57). And to deny the latter is to deny the equal status of other citizens. As Rawls says,

Since many doctrines are seen to be reasonable, those who insist, when fundamental political questions are stake, on what they take to be true but others do not, seem to others to simply insist on their own beliefs when they have the political power to do so. Of course, those who do insist on

their beliefs also insist their beliefs alone are true: they impose their beliefs because, they say, their beliefs are true and not because they are their beliefs. But this is a claim that all equally could make (Rawls 1996, 61).

To insist that the principles of justice should be grounded in one's own comprehensive doctrine despite the fact this doctrine is reasonably rejected by one's fellow citizens assumes that one's own claims to have access to religious, moral, or philosophical truth carry greater weight than the claims of others; it denies that the relationship between citizens in a democratic society ought to be characterized by an ideal of equality (see Rawls 1999a, 132-33).

Someone might reply by saying that she does not claim any greater access to truth than her fellow citizens, she only insists her comprehensive doctrine can ground political principles because there are *more* adherents of her doctrine in society than of other doctrines, and thus the appeal to her comprehensive doctrine is grounded only in a majoritarian interpretation of the principle of political equality. A full response to this claim is not possible here, but proponents of public reason should reject this argument by pointing out that purely majoritarian or procedural interpretations of political equality are untenable (Dworkin 2000, 184-210; Rawls 1996, 429-31). Part of what

political equality necessarily requires, proponents of public reason rightly insist, is that the substantive grounds supporting certain laws be reasonably acceptable to each person—to reject this idea risks reducing the democratic process to a competition for power, rather than a process of reasoning amongst equals about the fair terms of social cooperation.

Some may wonder: if the value of justice provides the normative basis for public reason, how can justice also be the subject matter of public reason? That is, how can citizens engage in public reasoning about what the principles of justice ought to be if justice is also meant to be the grounds for their adherence to the practice of public reasoning? This apparent puzzle dissolves once we distinguish the *concept* of justice from particular *conceptions* of justice (see Rawls 1999b, 4). It is the Rawlsian concept of justice—the ideal of a fair system of social cooperation between free and equal citizens—which provides the moral basis for public reason. Given this basis, citizens then engage in the practice of public reason with one another. Different conceptions of justice are proposed and debated, and the result, hopefully, is a political conception of justice (or a family of liberal conceptions) that can serve as the shared basis of political reasons.

This account of public reason's moral basis has important virtues. First, it illustrates the important role that public reason plays in securing what Rawls calls

“stability for the right reasons” (Rawls 1996, 390). A political conception of justice serves as a shared basis of reasons in debating and deciding constitutional essentials and other matters of basic justice. When citizens know that such a shared framework exists and is agreed upon by others, they can be assured that the political process is not a mere clash of competing interests, but is rather grounded in a freestanding conception of justice that all citizens can reasonably affirm.⁸ Second, and relatedly, unlike accounts appealing to autonomy or respect, this view of the moral basis of public reason does not rest on a particular comprehensive doctrine or view of human flourishing. Justice is a central political value, and is assumed by all who are sympathetic to the political liberal project to be exactly the sort of value whose moral importance can be affirmed by all reasonable citizens. Third, it is widely believed that considerations of justice ought to have great weight in our practical deliberations. Rawls famously declares that justice is the first virtue of social institutions (Rawls 1999b, 3), and that the principles of justice define the limits on permissible conceptions of the good life (Rawls 1996, 174). Thus, by grounding our commitment to public reason in the value of justice, we can more easily answer an important question, namely, if you are certain that your comprehensive doctrine is true, why give priority to reasonable public justification over truth? The answer, we can now see, is that this is what justice demands. To abandon the commitment to public reason in order to better conform with one’s comprehensive doctrine is to abandon the aim of treating one’s fellow citizens justly.

Some may protest that this simply pushes the problem back one step further. If justice is the moral basis of our commitment to public reason, then what is the basis of our commitment to justice? Why give justice priority over the demands of our comprehensive doctrines?

One reply to this worry is to point out that reasonable citizens can all converge on the moral importance of justice for their own different comprehensive reasons. There is thus *no need* for proponents of public reason to provide a single and ultimate account of the moral basis of public reason—it is enough to show that the commitment to public reason follows from the commitment to living with others on just terms. Second, a purely political liberalism *should not* aspire to answer the question of why justice ought to have priority over our other comprehensive values, since answering this question requires going beyond the boundaries of the political and explaining how the values of liberal justice fit or cohere with comprehensive commitments. In order to remain a political doctrine that all reasonable citizens can endorse, political liberalism must leave this task to citizens to work out for themselves (Quong 2011, 230-42).

This does not mean, however, that there is *nothing* we can say about the value and importance of liberal justice. On Rawls's view, liberal justice is organized around an attractive ideal of society as a fair system of social cooperation between free and equal persons. Persons are free in the sense that each possesses the two moral powers:

(1) the capacity to form, revise, and rationally pursue a conception of the good life, and
(2) the capacity to understand and act on a public conception of justice. Persons are equal in the sense that we assume they each possess these two moral powers to the requisite minimum level necessary to be fully participating members of society (Rawls 1996, 19). In order for the terms regulating social cooperation between such persons to qualify as fair, they must be terms that could be reasonably acceptable to each person in light of their two moral powers. A form of democratic politics which allowed some people to exercise power over others by claiming to have privileged access to religious, philosophical or moral truth, or which was premised on the idea that some citizens were less able to rationally pursue their own conception of the good than others, would not be fair. Public reason and the duty of civility are thus grounded in the most fundamental values of a liberal democratic society: freedom, equality, and fairness. To reject the importance of public reason is to reject these values, or else to believe that fair cooperation between free and equal persons is somehow possible even when our fundamental political rules and institutions are not justifiable to some of the persons who will be governed by them.

3. Religion and Public Reason

One of the most persistent objections to Rawls's idea of public reason is that it makes demands on religious citizens that are unfair, disrespectful, or in some other way wrongful. Some complain that the idea of public reason prevents or discourages religious citizens from articulating their religious beliefs in the public political forum, or disenfranchises religious persons as fully participating members in democratic society (McConnell 2007). Others assert that public reason illicitly privileges secularism in politics (Smith 2010). These objections, however, depend on inaccurate or misleading interpretations of public reason. As we saw in section 1, the wide view of public reason permits citizens to introduce comprehensive reasons into political debate at any time, provided that public reasons are also offered in due course, and indeed Rawls argues it will sometimes be very valuable for citizens to do so. The duty of civility is also a moral and not a legal duty, and thus religious citizens are never prevented by state officials from expressing their religious beliefs. And Rawls is clear that many secular doctrines may be comprehensive (e.g. hedonistic utilitarianism), and are thus treated in the same way as religious views. The relevant distinction is between the political and the comprehensive, not between the secular and the religious.

There are, however, other objections along similar lines that merit more careful consideration. Some critics argue that citizens can and do reasonably disagree about the

best conception of liberal democratic citizenship, and this includes reasonable disagreement as to whether Rawls's duty of civility is in fact a moral requirement that follows from our role as citizens in a constitutional democracy (Stout 2004, 70-71; Weithman 2002). Even if, as some of these critics concede, Rawls's conception of democratic citizenship is compelling, there are other reasonable ways of conceptualizing the duties of citizenship—other plausible ways to treat one's fellow citizens fairly as free and equal participants in a democratic society. In short, one can reasonably reject Rawls's specific conception of public reason and its duty of civility. Let's call this the *reasonable disagreement thesis*.

Notice that this thesis does not yet establish anything with regard to the use of religious reasons to settle fundamental political questions. Perhaps, for example, the range of reasonable conceptions of citizenship *all* place stringent restrictions on the use of religious reasons in political debate. If this were the case, then the reasonable disagreement thesis would not be of any help to those who want to establish that Rawls's view of public reason is too constraining with regard to religious citizens.

But these critics combine the reasonable disagreement thesis with a second claim. They argue that, at the very least, reasonable conceptions of liberal democratic citizenship can include views which, when fundamental political matters are stake, permit citizens to argue and vote for their favoured political positions on the basis of

religious or comprehensive reasons alone, even when they lack a sufficient public justification for their favoured view. I will call this the *alternative civility thesis*. Different authors defend this thesis in different ways. Christopher J. Eberle argues that public justification is primarily grounded in a particular conception of respect for persons. This conception requires that citizens make good faith attempts to pursue public justifications for their preferred political views, but does not require that they succeed—citizens are morally permitted to rely only on religious reasons after having made a good faith effort to find public reasons (Eberle 2002, ch. 4-5). Jeffrey Stout presents a pragmatist conception of democratic citizenship that places greater emphasis on the value of expression and dialectical engagement with one's fellow citizens, and does not require political debate to take any particular form with regard to content (Stout 2004, 67-85). And Paul Weithman argues that religious associations play an important and valuable role in liberal democratic societies, and this provides many citizens with an alternative conception of what it means to be a good citizen, one where religious reasons alone can form the basis of permissible advocacy and support for laws and policies (Weithman 2002). If these authors are correct, then religious citizens can reasonably reject Rawls's idea of public reason and its duty of civility in favour of a view that permits citizens to advocate and vote, when fundamental political matters are at stake, on the basis of religious reasons alone.

There are, however, several difficulties with this general line of argument. First, the critics who advance the reasonable disagreement thesis rely on what I will call an *epistemic adequacy account* of reasonable disagreement (Stout 2004, 71; Weithman 2002, 136-37). On this account, a disagreement is reasonable when the disputing parties each arrive at their differing positions in a manner that meets some threshold of epistemic adequacy. We decide whether this threshold has been met by asking certain questions, for example, whether the parties “had adequate evidence available to them, took adequate account of the evidence or whether their reasoning was in some way faulty or corrupted” (Weithman 2002, 136. Also see Stout 2004, 71). If people can, as Stout and Weithman suggest, reject Rawls’s idea of public reason and its duty of civility without making any obvious epistemic mistakes, then the disagreement over Rawls’s view will qualify as reasonable.

But this account of reasonable disagreement differs in important respects from Rawls’s own account. Rawls does not develop epistemic criteria to determine when a given disagreement qualifies as reasonable. Instead, he stipulates which ideas can and cannot be the subject of reasonable disagreement. On Rawls’s account, reasonable people necessarily accept: (1) the idea of society as a fair system of social cooperation between free and equal persons, (2) the burdens of judgement and the fact of reasonable pluralism, and therefore accept (3) the idea of public reason (Rawls 1996, 54-62). Rawls also allows that comprehensive doctrines can qualify as reasonable even if they are not

open to rational appraisal or evidentially supportable (Rawls 1999a, 152-53), provided the doctrines are consistent with the points listed above. Rawls's conception of reasonable disagreement is thus *normative or moralized*: it is grounded in Rawls's particular normative theory of democratic citizenship, and not an epistemic view of when disagreements are reasonable.

When Rawls's critics advance the reasonable disagreement thesis, they thus begin with a very different conception of reasonable disagreement. Of course this does not show that the critics' view is mistaken, only that their objection to Rawls is not an internal or immanent critique as it depends on assumptions he does not endorse. I also believe there are independent reasons why we ought to reject epistemic accounts of reasonable disagreement (Quong 2011, 248-49, 293-98), but this would take us too far afield, so we can focus instead on the alternative civility thesis.

I believe the plausibility of the alternative civility thesis depends heavily on whether public reason is *complete*, that is, whether the content of public reason can yield reasonable answers to all, or almost all, questions concerning constitutional essentials and matters of basic justice (recall sect. 1.2). *If* public reason were *not* complete—if there were important political questions to which no liberal conception of justice could give any reasonable answer—then *perhaps* there would be nothing disrespectful, unjust, or

otherwise problematic in allowing citizens to rely on non-public reasons when debating and voting on certain political questions.⁹

But what if public reason *is* complete? What if a political liberal conception of justice grounded in the values of freedom, equality, and fairness can always yield at least one reasonable answer for each important political question that we face? Under these conditions, the alternative civility thesis is far less plausible. Imagine a citizen, Albert, who is opposed to legislation permitting same-sex marriage on religious grounds alone. Suppose Albert also knows that public reason is complete, and the answer it yields is one that requires permitting same-sex marriage. Albert tries to persuade his fellow citizen Betty of the correctness of his religious doctrine and its conclusion about same-sex marriage (as allowed by Rawls's duty of civility). He engages in a respectful and open-minded dialogue with Betty, but she is ultimately unconvinced by Albert's religious arguments and remains convinced by the available public justification permitting same-sex marriage. Now suppose Albert does what the alternative civility thesis permits, and he votes to oppose same-sex marriage for religious reasons alone when he knows there is a sufficient public reason to support same-sex marriage, and when he knows Betty cannot reasonably accept his religious reasons. How does Albert treat Betty? Does he treat her as someone with the capacity to reason effectively about the requirements of justice, and as someone who holds a reasonable comprehensive doctrine? If Albert agrees that Betty has a capacity for justice

and a capacity to form a reasonable comprehensive doctrine, why does he persist in supporting a political position that Betty has decisive public reasons to reject? Under these conditions, I think Albert's behaviour cannot be reconciled with a conception of Betty as free and equal, as possessing Rawls's two moral powers to the requisite minimum degree.

Proponents of the alternative civility thesis claim to believe in the importance of offering reasons to your fellow citizens in defence of your favoured political positions, and in the value of treating your fellow citizens as capable of understanding and responding to reasons. But when we consider what the alternative civility thesis entails in practice, it's hard to understand how someone like Albert does manifest a commitment to these ideas. The alternative civility thesis allows Albert to ignore sufficient public justifications when they exist, and continue to support a political position for his own religious reasons even when he cannot convince his fellow citizens as to the soundness of those reasons. It effectively allows Albert to behave as if Betty and his fellow citizens are irrelevant—he can continue to support his preferred view regardless of what anyone else may be justified in believing, so long as he himself is sincerely convinced of the truth of his own doctrine.

This critique of the alternative civility thesis is not decisive. In particular, proponents of that thesis may protest that public reason is not complete—that it is

radically indeterminate over a range of important issues—and thus in many cases a person, like Albert, who relies on religious reasons alone will not be overriding or ignoring any public justification.¹⁰ This debate over the completeness of public reason is important. Those who challenge public reason's completeness must do more than merely assert that a political conception of justice cannot yield reasonable answers to important political questions—they are under an obligation to offer detailed analyses of specific issues in order to make good on this assertion. Conversely, defenders of public reason must do more to explain why public reason is complete—to show that it offers answers to controversial political questions. This debate will not be settled anytime soon, but in the meantime I think we ought to maintain a reasonable faith in the ideal of public reason; in a democratic society governed by principles of justice that each of us can accept in light of our shared political values such as freedom, equality, and fairness.

Notes

* I am very grateful to Rich Dagger, Andrew Lister, Jon Mandle, Tom Porter, David Reidy, Rebecca Reilly-Cooper, Micah Schwartzman, and Rebecca Stone for comments on earlier drafts.

¹ Note that in the later essay (Rawls 1999a) Rawls does not mention the second part in his discussion of public reason's content. But Rawls does not disavow his discussion of the second part, and so it seems best to follow the original two-part presentation.

² Rawls also lists two further characteristics of reasonable persons: (a) the desire to be recognized as a fully cooperating member of society, and (b) a reasonable moral psychology (Rawls 1996, 81-2, 86).

³ Rawls does not include this latter claim about ordinary citizens in the later essay (Rawls 1999a). See Paul Weithman's instructive discussion of this puzzling omission (Weithman 2002, 183-85).

⁴ Rawls says that "public reason with its duty of civility gives a view about voting on fundamental questions in some ways reminiscent of Rousseau's *Social Contract*" (Rawls 1996, 219).

⁵ For Rawls's earlier stability argument, see (Rawls 1999b, 450-64, 496-505).

⁶ Larmore makes the case that this view is implicit in Rawls's work, and that Rawls's account requires it (Larmore 1999; Larmore 2002).

⁷ A similar example has been independently developed by Colin Bird to make broadly the same point (Bird 2012).

⁸ For a detailed argument about the relationship between public reason, mutual assurance, and stability see (Weithman 2011, 327-35).

⁹ I say "perhaps" since there are important arguments against relying on non-public reasons even under these conditions (see Schwartzman 2004; Williams 2000).

¹⁰ The earliest and most detailed challenge to the completeness of public reason is offered in (Greenawalt 1988). Others who press this challenge include (Horton 2003; de Marneffe 1994; Reidy 2000). For replies, see (Schwartzman 2004; Williams 2000).

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