Public reason secularism : a defense of liberal democracy
Zhang, T.

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Public Reason Secularism:
A Defense of Liberal Democracy

Tu Zhang

Public Reason Secularism:
A Defense of Liberal Democracy

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Table of contents

Introduction

Religious disagreements have always been potential challenges for maintaining a peaceful political society. Although religious wars seem to be a thing of the past, religious radicalism has in fact drastically escalated since 9/11. It has become an urgent issue how free and equal citizens, deeply divided by conflicting religious disagreements, can still live together peacefully and endorse the same set of political principles in a liberal democracy. This question makes it necessary to address two issues: first, it demands an answer to the issue of religious disagreement in contemporary politics; second, this answer has to be justified. This dissertation proposes a solution that meets both requirements: the political principle of secularism, as a combination of liberty of conscience and the separation of state and religion, which can be endorsed by all reasonable citizens in a democratic polity. The particular separation of state and religion that I argue for is a separation in the robust sense, meaning that religion ought to be excluded from the public sphere. That is to say, religious arguments should not play any role in public matters, especially in law-making.

My answer follows from considering two issues. One theme is the understanding of the term "secularism", as secularism is a complicated concept with many different connotations. And understanding "what secularism is" also intertwines with its justification. The other issue is the problem of political legitimacy. Here I follow John Rawls's *Political Liberalism* in which he understands legitimacy as the justification of the exercise of political power. The justification of secularism as a constitutional principle is thus part of the problem of political legitimacy.

I. Secularism: Political or Philosophical?

My primary aim in this dissertation is to defend a particular constitutional principle, secularism, for our religiously pluralistic world. The term "secularism" was first used by the English scholar George Jacob Holyoake in 1851. Since then, there has been a lot of confusion concerning the exact meaning of the term. At the beginning, secularism was thought of as a transitional period in a larger trend toward atheism. To a large degree, such an understanding of the concept to a large degree stems from the fact that the concept of secularism lacked a clear definition when it was adopted. Such a characterization of secularism and atheism has led to many unnecessary difficulties in understanding and accepting secularism. Today's heated discussion on religiously motivated violence seems to worsen the tendency to conflate secularism and atheism. What is noteworthy in those discussions is that people tend to misidentify religion as the

root of escalated religious violence, and thus consciously or unconsciously seem to suggest that the best or only solution is the abandonment of religion.

However, atheism is neither a requirement for, nor the future direction of, secularism. Atheism claims the falsity of a deity's existence, whereas, secularism makes no such claim, enabling it to coexist with even the most intense religious beliefs. The main point I am going to make in this dissertation is that secularism should be understood as a political doctrine rather than a philosophical one. Secularism does not arise out of any substantive view on religion. To conflate secularism and atheism would only result in a deeper divide between citizens who hold different religious outlooks and would contribute nothing to the maintenance of a stable political community. Rather, the prescription for the problem caused by religious disagreements must be secularism, a political principle of liberty of conscience and the separation of state and religion. This offers the only perspective under which people of different religious persuasions can live together, and it is also an essential precondition for the freedom of religion. Therefore, the conception of secularism defended in this dissertation is a political rather than a philosophical one.

The separation of state and religion, as part of the principle of secularism, is susceptible to several interpretations. I discuss four different theses with regard to this separation, and the majority of this dissertation, from chapter two till the last chapter, is devoted to establishing which of these theses is the most convincing one. The four theses, ranking from the softest to the most robust separation, are: Separation-thesis 1 (S1), the separation of state and religion only demands the non-establishment of a state religion; Separation-thesis 2 (S2), the separation of state and religion requires state neutrality toward all religions; thesis S2', departing from thesis S2, requires the incorporation of all comprehensive views, including all religions, in the public sphere; finally, Separation-thesis 3 (S3), the separation, contends the opposite, and requires the exclusion of religion from the public sphere altogether. Because thesis S1 (separation as non-establishment) turns out to be too general so as to be trivial, and thesis S2 (separation as state neutrality) suffers from the difficulty of defining "neutrality" they are dismissed, and the main debate on the substance of the separation between state and religion in this dissertation therefore will be between thesis S2' and thesis S3.

II. Why Political Liberalism and Public Reason?

Generally, the topic of political legitimacy involves two major approaches: the public justification approach, which means that the political authority is justifiable to all citizens;

and the comprehensive justification approach, which argues that the legitimacy of political authority depends on what truth requires.

See the different approaches to political legitimacy:

Political legitimacy
- Public justification (political justification)
  - The consensus approach (Thesis S3)
  - The convergence approach (Thesis S2')
- Comprehensive justification
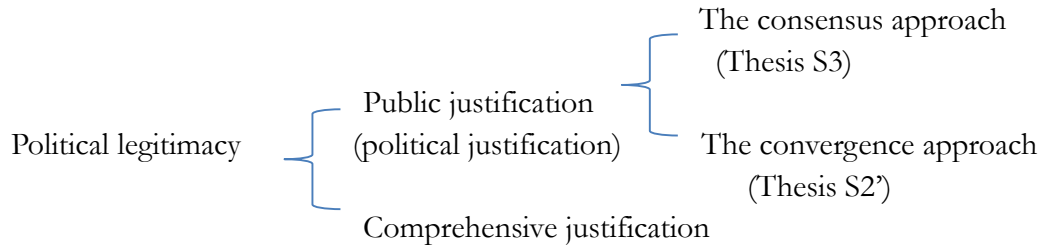
Against the backdrop of contemporary societies, Rawls brought the fact of reasonable pluralism to our attention: the fact that citizens are bound to differ greatly on comprehensive doctrines (conceptions of the good, life and death, ontological issues). This is the key idea that explains Rawls's shift from regarding liberalism as a metaphysical doctrine to seeing it as a political doctrine. This disagreement on conceptions of the good in modern society is so profound that the state cannot impose any of these comprehensive conceptions on its citizens as it cannot be justified to all of them. Rawls's description of the fact of reasonable pluralism pushes us to consider how all citizens who share the same political community can harmoniously and prosperously live together. The importance of the fact of reasonable pluralism of comprehensive doctrines does not lie in those doctrines as such; rather, the importance lies in the reasonable citizens in our political community who hold those comprehensive doctrines. Only doing the right thing according to moral truth could be a universal ethical standard for individuals, while politics is not *just* about doing the right thing, since decisions in politics are related to the citizen who lives in the same political society together with their fellow-citizens. Roughly, what essentially matters in political life is not *the truth of comprehensive doctrines* held by the people, but *the people* who hold different comprehensive doctrines. Therefore, that a liberal state should refrain from imposing any particular comprehensive doctrine not due to the merit of one of the comprehensive doctrines, but rather out of respect for the citizens holding those doctrines.

To be clear, I do not mean to suggest that secularism cannot be given a justification by appealing to our comprehensive beliefs. It is perfectly possible that we cannot appreciate the whole truth about secularism without appealing to other beliefs that fall outside the domain of liberal political theory. The approach of political liberalism just insists that whatever the truth may be in the domain of comprehensive doctrines, the only way that we can live together as free and equal citizens is by avoiding judgments on comprehensive truth in politics, and instead committing ourselves to the public

justification of political authority.[1] For this reason, the mainstream debate in contemporary political philosophy on the subject of political legitimacy is how to find the best political justification, under recognition of the fact of reasonable pluralism.

Political liberalism proposes that we abstain from invoking the truth claims of our comprehensive doctrines in the justification of political institutions (e.g., laws). Therefore, the justification of political legitimacy shall be reached on the condition that all reasonable citizens *are expected to endorse* an account of *shareable public reason*, which consists in a family of political conceptions supported by an overlapping consensus of reasonable comprehensive doctrines.

Overlapping consensus is a key concept that Rawls introduces in *Political Liberalism* (represented as *PL* in this thesis) to account for the public justification of a family of political conceptions of justice, regardless of their comprehensive basis. The public justification of a political conception is found when an overlapping consensus is created. An overlapping consensus happens when a family of political conceptions of justice is, at least, not too much in conflict with reasonable comprehensive doctrines.[2] In other words, political conceptions of justice will gain enough support in spite of their possible conflict with other comprehensive doctrines. The values of the political are very important intrinsic values and therefore they are not easily overridden by comprehensive values. The subject of the overlapping consensus concerns those political values or ideals which would be endorsed by all reasonable citizens in a well-ordered society, and in turn form the foundation for public reason. Public reason holds that fundamental political decisions are to be settled by appealing to these political values, which are expected to be intelligible, understood, and shared by all reasonable citizens.

Since the requirement of "shareability" is a key characteristic of public reason, those comprehensive doctrines that cannot be shared, particularly religious doctrines, are inescapably excluded from the realm of public reason for public justification of political legitimacy. Therefore, the separation of state and religion as a constitutional principle shall be formulated in the light of the restraints imposed by shareable public reason, which leads to the separation principle in the robust sense, meaning that religious reasons shall be excluded from the law-making process. The approach which meets this requirement of shareability of public reason is also called the consensus approach. Likewise, on the basis of a sharable public reason justification, other non-public reasons are excluded too.

Thus, the main thesis of my argument for public reason secularism is established, and it will be explained in detail in chapter three. However, the requirement of

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[1] See Jonathan Quong, *Liberalism without Perfection* (Oxford University Press, 2011) 317.

[2] John Rawls, *Political Liberalism* (Columbia University Press, 1996)139.

shareability of public reason has become an intensely debated issue in contemporary political theory. Many political liberals and religious critics are against the idea that public discussion must be restricted to public reasons; rather, they view the target of public justification as a convergence of the opinions of every single individual's choice, which means that when a convergent political decision is made, citizens should be able to supply any *personal* reason including religious reasons they regard fit for the public forum, and there should therefore not be any constraints. This approach is called the convergence approach. The following chapters describe and evaluate the debate between the consensus approach and the convergence approach, and argue that public reason secularism in the end is the better form of secularism.

III. My Departure from *Political Liberalism*

It is clear by now that in this dissertation my defense of secularism as a political principle will be based on the central ideas of political liberalism, but I also will ultimately part ways with political liberalism. Moreover, I will argue that my departure point is precisely where the project of political liberalism and political justification should be heading.

In *Political Liberalism*, Rawls refrains from explicitly providing any moral foundation for political liberalism for an obvious reason: It might compromise the very assumption of political liberalism, i.e. the fact of reasonable pluralism. The project of political liberalism needs to distance itself from committing to any moral value in order to uphold its commitment to the fact of reasonable pluralism. In order to prevent upending reasonable pluralism, Rawls and some other political liberals such as Jonathan Quong, assume some underlying presumptions of political liberalism in the notion of "persons and society". According to them, a reasonable person would respect the fact of reasonable pluralism, honoring the free and equal standing of every individual citizen, and recognizing the society as a structure of fair social cooperation. But if we ask *why* a reasonable person has those qualities, their only answer would be "otherwise they are being unreasonable", which, to some extent, begs the question. In my view, the answer "secularism is publicly justified, because a reasonable person would accept that" is not satisfactory. This answer places too much justificatory force on a rich notion of a reasonable person and society, which political liberalism assumes to be a package deal, whereas it has not said anything about why political liberalism must assume the notion of "a reasonable person and society" in such a thick manner in the first place.

In this dissertation, I argue that political liberalism would be able to account for the richness of its theoretical foundations if it is viewed in the light of Ronald Dworkin's interpretivism, which requires a more conspicuous role for morality to play.

Interpretivism understands a useful theory as an interpretation. And a successful interpretation includes two dimensions: first, it should fit the contemporary liberal institutional and social practices; second, it should also put the practices in the best *moral* light.[3] By the same token, I argue that political liberalism calls for a furthermore underlying moral foundation: equal respect for persons. By virtue of the equal respect for persons, we would understand why we take the fact of reasonable pluralism so seriously in the first place. Equal respect for persons will help us to grasp the importance of the fact of reasonable pluralism and understand that the ethical concern that political liberalism harbors is more profound than what its critics are willing to give credit to. If we figure in the cardinal value of equal respect for persons as the foundation of the reasonableness thesis, it is clearer to see that both of the fact of reasonable pluralism and the so-called presumed idea of persons and society actually derive from the equal respect for persons. If we miss the foundational place of equal respect for persons, we will fail to fathom the essential moral concern that the project of political liberalism carries, echoing the very core of liberal tradition: in terms of the coercion of political power, liberalism always prioritizes respect above truth, persons above doctrines.

IV. A Few Caveats

Before offering an outline of the chapters in this dissertation, it is worth making a few remarks regarding what this dissertation is unable to offer. First, this is a dissertation about secularism, but secularism involves various subjects and theses. For instance, secularism also refers to moral autonomy, which aims to disconnect religion from morality in the sense that the authority of morality can stand on its own feet. My discussion is limited, however, to the canon of political and legal philosophy. And I only engage in discussions about secularism in matters of *political* concern. Thus, this dissertation does not have anything specific to say about questions like "do divine commands from God generate any moral obligation?", although such questions and the present discussions are related; we shall see some of these connections in Chapter Five.

Second, although secularism as a political principle includes the ideas of liberty of conscience and the separation of state and religion, most of the attention in this dissertation goes to the latter part, namely the exploration of the nature of the separation of state and religion. It certainly would be a more all-embracing dissertation if I could have dedicated as much discussion to liberty of conscience; however it would have been a much lengthier one. More importantly, it seems to me that the discussion

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[3] See Ronald Dworkin's detailed explication of those two dimensions of interpretation in *Justice in Robes* (Harvard University Press, 2006) 13-18.

concerning what the separation of state and religion entails, is a more controversial and pressing concern; in addition, the appropriate identification of the "separation" in turn has implications for the boundaries of liberty of conscience as well.

Third, although the discussion of this dissertation is in every sense pertinent to matters of law-making, and my arguments largely derive from disputes and disagreements in present-day politics, it does not directly address issues of policy. For instance, it does not intend to give a definitive answer to, for example, issues of abortion or religious manifestations in public. Rather, the arguments in this dissertation are concerned with finding the right *approach* to answer such questions. Therefore, it is more a dissertation about how to reason in these matters, than on what the result of this reasoning in concrete cases would be.

Finally, although it will be repeated many times throughout the dissertation, I have to make clear beforehand that the whole discussion in this dissertation addresses a particular readership which excludes religious fundamentalists, Nazis, racists and other groups who refuse to recognize the equal moral status of every individual and deny them basic rights. In the examination of public justification, when we try to determine whether certain laws are publicly justified, we do not take their illiberal views into consideration. It is not possible to reason with people who deny the fundamental importance of freedom, equality and fairness in any sense, and therefore, when it comes to the justification of constitutional principles or laws, we do not need to justify these principles to them or make them accept our laws. However, what we *can* do is to cultivate a secular shared public culture and to prevent the growth of ideological or religious extremism in our society.

V. Outline of the Chapters of This Dissertation

In the first chapter, I draw an analytical distinction between secularism as a political principle regarding the relation between state and religion, and secularism as a view of religion *per se*. I argue that the latter view mistakenly identifies secularism with atheism. Atheism as I understand it is a view that denies the existence and authority of any deity, whereas secularism as a political principle merely entails the principle of separation between religious and political authority, and therefore does not imply any substantive view of religion as such. Simply put, secularism as a political principle does not engage in metaphysical exploration of theological claims, nor does it hold any hostile views against religion. I argue that atheism is neither theoretically solid nor in any way useful for political purposes. This is because democratic societies are characterized by reasonable pluralism, the permanent fact that citizens are bound to differ greatly on comprehensive

doctrines (conceptions of the good, life and death, religious and moral views, ontological issues). This disagreement is so profound that it is unjust for the state to impose certain comprehensive doctrines, for instance atheism, on the citizens. Therefore, secularism should be approached as a freestanding political principle.

After establishing secularism as a political principle, Chapter Two lays the groundwork for my defense of this principle. Secularism, concerning the relationship between state and religion, is a constitutional principle; hence, its justification is a matter of political legitimacy. Due to the fact of reasonable pluralism, secularism cannot be established or built upon any *comprehensive* justifications. Instead, the justification of secularism should not be comprehensive but *public*, which means that it should be justified to all citizens in a democratic regime. However, a rejection of the comprehensive justificatory approach does not amount to explaining how far the "separation" goes exactly. I therefore discuss four variations of the separation thesis, ranking from the most lenient to the most stringent. First, thesis S1 interprets the separation to simply mean as that there is no state-religion. Second, thesis S2 regards the separation as the strict neutrality of the state with regard to religion. Departing from thesis S2, two contrasting variations are generated, while thesis S2' understands state-neutrality with regard to all religions as implying the impartial incorporation of all religions in the public sphere, by contrast, thesis S3 sees the separation as implying that religious discourse should be excluded from the public sphere. (To highlight their contrasting relationship, I refer to the approach of thesis S3 as the consensus approach and the approach of thesis S2' as the convergence approach.) In chapter two, I argue that thesis S1 and S2 are not convincing interpretations of the "separation".

In Chapter Three, I present the justification for thesis S3 built upon public reason shared by all reasonable citizens in a democratic society. The gist of this argument is that, due to the fact of reasonable pluralism, the justification of political legitimacy shall be reached only if all reasonable citizens endorse an account of *shareable* public reason which consists of a family of political conceptions supported by an overlapping consensus of reasonable comprehensive doctrines. Therefore, those comprehensive doctrines that cannot be shared, notably religious doctrines, are inescapably excluded from public reason. Therefore, the separation of state and religion as a constitutional principle shall be formulated in the light of the requirements of shareable public reason, which leads to the separation principle in the robust sense in the form of S3, i.e. that religion shall be excluded from the public sphere. This approach on the basis of public reason will be referred to as "the consensus approach".[4]

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[4] The explicit endorsement of the consensus approach can be seen from Thomas Nagel, "Moral Conflict and Political Legitimacy", in *Philosophy & Public Affairs* 16(1987): 215-40; Charles Larmore,

Because thesis S3's emphasis on the shareability of public reason leads to the exclusion of religion in the public domain, it has been criticized by many who support the interpretation of thesis S2'. They believe that the separation of state and religion ought not to be so rigid that religion is not permitted in politics. They question the formation of an overlapping consensus and they argue that religious citizens can reasonably reject the idea of public reason and its moral duty of civility. They also believe, that when fundamental political matters are at stake citizens are permitted to advocate and vote on the basis of religious reasons alone. Insofar as there is a convergence on a certain institution or laws from individuals, they argue that we do not need a public shared reason underlying such a convergence, and hence there is no strict separation of state and religion. Therefore, I call the approach which advocates for permitting personal standpoints, including religious ones, into politics the convergence approach.[5] From chapter four till the end, I discuss thesis S2's four major critiques of thesis S3—the Subjectivism Critique, the Asymmetry Critique, the Integrity Critique, and the Assurance Critique—and refute them.

In Chapter Four, I focus on examining thesis S2''s two critiques of thesis S3 regarding the plausibility of the shareability requirement of public reason. These two critiques are both based on the fact of reasonable pluralism. The first critique says that, on the basis of the appreciation of the fact of reasonable pluralism, thesis S2' holds that there will not be any public reason that can be shared, as reasons and beliefs are relative or subjective to each individual. The second critique specifically questions the plausibility

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"Political Liberalism", in *Political Theory* 18(1990): 339-60; Stephen Macedo, "Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls" in *Ethics* 105 (1995): 468-96, "Why public reason? Citizens' reasons and the constitution of the public sphere", in *Citizens' Reasons and the Constitution of the Public Sphere (August 23, 2010)*; Jonathan Quong, *Liberalism without Perfection* (New York: Oxford University Press, 2011).

[5] The two contrasted camps are labelled as the consensus approach and the convergence approach by Fred D' Agostino. Fred D' Agostino, *Free Public Reason: making it up as we go along.* (New York: Oxford University Press 1996) 29.

The main figures of the convergence approach include some so-called political liberals as Gerald Gaus, *Justificatory Liberalism: an essay on epistemology and political theory.* (New York: Oxford University Press, 1996); Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (New York: Routledge, 2014), and religious critics such as Michael Perry, "Religious Morality and Political Choice: Further Thoughts--and Second Thoughts--on Love and Power." *San Diego Law Review* 30 (1993): 703-27; Jeremy Waldron, "Religious Contribution in Public Deliberation", *San Diego Law Review* 30 (1993): 817-48; Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues", in Robert Audi & Nicholas Wolterstorff, *Religion in the Public Square: the place of religious convictions in political debate.* (Maryland: Rowman& Littlefield Publishers Inc.1997); Jeffrey Stout, *Democracy and Tradition.* (Princeton: Princeton University Press 2004); Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge University Press, 2002); Christopher Eberle, "Consensus, Convergence, and Religiously Justified Coercion," *Public Affairs Quarterly* 25.4 (2011): 281-303.

of the content of public reason, namely the probability of arriving at an overlapping consensus on a family of conceptions of justice. They argue that, besides reasonable disagreements about comprehensive doctrines, there are also profound and fundamental reasonable disagreements about conceptions of justice. It follows that if comprehensive doctrines are refrained from being introduced in the public domain because they are too controversial, conceptions of justice should be refrained from into public as well. It is hard to explain why only comprehensive doctrines are to be kept out from public reason. Therefore, there is an asymmetry treatment here between comprehensive doctrines and conceptions of justice. Thesis S3's insistence on shared public reason might collapse as there will probably not be any political conception of justice supported by shareable public reasons. In other words, the prospect of forming an overlapping consensus is not as optimistic as the political liberals have imagined it to be. I reject both of these critiques. With regard to the critique based on subjectivism of reasons: the fact that reasonable citizens accept that they are bound to disagree with each other about comprehensive doctrines does not mean that they can also accept others' comprehensive doctrines as justified. Furthermore, even if we confirm the fact of reasonable pluralism, public reason could nevertheless be understood as practically *objective* so long as the content of public reason, namely the political conceptions of justice, are reasonable. As for the critique that points out the fact of reasonable disagreements of justice aside from reasonable disagreements of comprehensive doctrines, I explain that reasonable disagreements of justice are actually anticipated by political liberalism. I also introduce a distinction between "justificatory disagreement" and "foundational disagreement" to illustrate that the former disagreement is not as fundamental as the latter. Moreover, I explain that reasonable disagreements of justice are anticipated, and they are not as foundational as critics claim if we view the project of political liberalism as an interpretive project. And if political liberalism is understood as an interpretive project, it not only anticipates reasonable disagreements of justice, but it will also promote our understanding of justice in political and legal practices.

In Chapter Five, my central focus shifts to one of thesis S2"s critique of the desirability of shareable public reason, namely the Integrity Critique. This critique is mainly addressed from the perspective of an individual's moral motivation in following public reason. Those who support thesis S2' have two levels of argument: thesis S3 (1) has damaged religious citizens' integrated existence and (2) has imposed too onerous a burden on citizens and has violated citizens' religious liberty. Thus, the principle of secularism as characterized in thesis S3 is too demanding for citizens to accept and follow. With respect to the first layer of the Integrity Critique, I argue that, first of all, the respect or recognition of one's integrity or identity is not a trumping ideal that directs

one's decisions in every matter of life. And the exclusion of religious argument in the public discussion does not mean disrespecting or degrading religious citizens' integrated existence. Concerning the second level of this critique, I argue that, for starters, this critique conflates legal right and moral evaluation, namely "the (legal) right to do something" and "doing the (morally) right thing". Religious liberty is citizens' fundamental constitutional right; however, countenancing this *legal* right does not imply that every exercise of it is beyond *moral* criticism. Moreover, the benchmark of defining the violation of religious liberty does not depend on the burdens that have been imposed on religious citizens, but upon whether it deprives individuals of a fair opportunity in background conditions for them to pursue and fulfill their religious commitments.

In chapter six, I explore thesis S2"'s other critique, the Assurance Critique, concerning the desirability of shareable public reason. While the Integrity Critique charges thesis S3 with being too demanding on citizens, the Assurance Critique says that not only can we not be sure that all citizens would agree to Thesis S3's requirement, but we cannot know if they would *actually* comply with it. The assurance problem is not merely a challenge for thesis S3 but also for thesis S2'. Those who endorse thesis S2', however, claim that they offer better solutions to this issue. I identify two of these solutions and point out that neither of them succeeds in solving the assurance problem. One is "the absolutist strategy", in which the state intends to persuade every member and prospective social members to agree with the political decision by understanding every one's comprehensive doctrines. The absolutist strategy has its theoretical attraction in providing every individual member of the society adequate moral motivation to be cooperative. But this solution is problematic in practice due to a lack of efficiency and determinacy in implementing this ambition. The other strategy overcomes those two problems by the use of public rules coupled with the threat of punishment. However, this strategy is also normatively problematic as it fails to supply genuine moral motivation for citizens, which is what makes thesis S2' attractive in the first place. I believe that the root of the inadequacy of thesis S2"'s approach is the fact that this approach is unable to grasp the core *inter homines* feature of public justification. By contrast, political liberals endorsing thesis S3 have a better plan for the assurance problem. They recognize that the power of public justification lies in the idea that public reasons are for us collectively, rather than for you or for me individually. Moreover, the promise of their solution consists in an underappreciated aspect of public reason, the transformative role of public reason, which precisely explains the transformation or the development of cooperative virtues in reasonable citizens.

In fending off all four major critiques raised by those who support thesis S2', I believe that thesis S3 has been strengthened. Both thesis S3 and thesis S2' offer

compelling but contrasting visions of the relationship of state and religion. The best we can do is to place these two theses side by side and carefully examine their strengths and weaknesses. If my projection of viewing political liberalism as interpretive is cogent, we must decide how well each theory fits with our considered convictions, and which theory offers the best interpretation of the ideal of citizenship and political society. I believe that once we have weighed all the arguments, the following chapters will show that thesis S3 offers the best answer.

Chapter One: Secularism and Atheism

I.   Introduction

Secularism is encountering a myriad of existential challenges across the globe, while the unsettling, longstanding assumptions about "what secularism is", among others, greatly haunt secularism. If we cannot come to a clear understanding of what secularism is, then all subsequent discussions about whether secularism is desirable, or how to improve secularism as a political mode, or how to implement secularism in certain regimes are groundless. Jose Casanova reminds us of a significant distinction within the concept of secularism. On the one hand, secularism can refer to "a whole range of worldviews and ideologies concerning religion"; on the other hand, secularism also refers to "different state projects, as well as to different legal-constitutional frameworks of separation of state and religion."[1] Therefore, the preliminary step is to draw an analytical distinction between secularism as a political doctrine about the relation between state and religion, and secularism as a view of religion *per se*. Secularism as a political principle entails the principle of separation between religious and political authority. Such a doctrine neither presupposes nor entails any substantive view of religion. At most it could be seen as a meta-religion theory (in the same sense as meta-ethics), so a theory *about* religion but not *of* religion. Once the state explicitly upholds a particular conception of religion, one enters the realm of ideological evaluation. If religion in a self-claimed secularist state is presupposed as an outdated or an irrational force of discourse that should be banished from the public sphere, the state is actually referring to secularism as an antireligious ideology rather than a political principle.

In my view, a plausible and compelling defense of secularism should be restricted to the political realm, which means that we will take secularism as a political principle which requires the separation of church and state. If we fail to distinguish secularism as a political principle from an ideology of religion, secularism in political discourse is likely to be confused with atheism[2] and even an antireligious worldview. For instance, even a

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[1] See Jose Casanova, "The Secular, Secularizations, Secularisms" in *Rethinking Secularism* (Craig Calhoun, Mark Juergensmeyer & Jonathan Van Antwerpen ed., Oxford University Press, 2011) 66.

[2]   Apart from atheism, there are some other related concepts which have always been inevitably but mistakenly associated with secularism; secularization, for instance. In the very beginning, secularism was diagnosed as the transition period toward the better state of atheism. Some prominent sociologists and philosophers in the nineteenth and twentieth centuries, like Karl Marx, Emile Durkheim and Max Weber, all believed that, through functional differentiation, scientific knowledge, and de-mystification, the world would move toward atheism and a total rejection of God. It is actually a prediction of religion's demise, a secularization thesis. In contrast to it, secularism is a normative creed that makes no prediction, and its validity is sustained regardless of religion's future.

philosopher as sophisticated as Charles Taylor claims that:

> "A political system that replaces religion with a comprehensive secular philosophy as the foundation of its actions makes all the faithful members of a religion into second-class citizens, since these citizens do not embrace the reasons and evaluations enshrined in the *officially recognized philosophy*. In other words, that political system replaces established religion, as well as the core beliefs that define it, with a secular but *antireligious* moral philosophy, which in turn establishes an order of metaphysical and moral beliefs."[3]

At least three inferences can be made from Taylor's statement. One, either the state has an established religion, or it has an official established secular doctrine; two, this established secular doctrine is antireligious; three, a state with an established secular doctrine, namely an antireligious doctrine, discriminates against its religious citizens. Taylor's understanding of secularism, as voiced in the word above, is so misleading that many influential anti-secularism and multicultural arguments share this line of thought. This representative line of reasoning presumes that secularism stands opposite an established religion, under the assumption of an either-or binary opposition between secularism and religion. Nevertheless, if the distinction between secularism in its political sense and secularism's ideological entailment is recognized, we can see that secularism as a political principle occupies a different level than an ideology of religion. Secularism invoked as a political principle exemplifies an institutional arrangement of state and religion, which is not a substantive view of religion. Therefore, it is a ridiculous and logically fallacious allegation to accuse a secular state principle of being antireligious. And thus there is no ground for discrimination of religious citizens either. Before moving on in this chapter, I will make it clear that, in this dissertation, when I refer to religion, I am referring only to monotheist religions.

Taylor's misleading usage of secularism as an antireligious ideology demonstrates an

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Also, the confusion between secularism and agnosticism is similar to the confusion between secularism and atheism. With regard to the question whether there is a supernatural deity in the world, there are three possible stances. One, theism, there is a God; two, atheism, there is no God; and three, agnosticism, there is no way to know the answer. Secularism cannot be attributed to any of the three stances, and in fact, secularism does not, and does not need to consider the question of God's existence.

In this chapter, I follow Paul Cliteur, taking atheism as a concept as contrary to theism, which "is not a belief; it is the absence of belief." An atheist "is not convinced by the proofs of theism." See Paul Cliteur, "The Definition of Atheism," *Journal of Religion and Society* 11(2009): 1-23.

[3] Jocelyn Maclure & Charles Taylor, *Secularism and Freedom of Conscience* (Harvard University Press, 2011) 13-14. Italics added by me.

underlying subtle confusion of secularism and atheism. This confusion goes all the way back to the very first adoption of the term secularism, and it still remains in contemporary political theory. Although the distinction between secularism and atheism does receive considerable recognition and careful analyses, at least in academies,[4] the confusion has been aggravated over recent years. The philosopher David Novak, also an ordained Conservative Rabbi, thinks that what undergirds authentic secularism is an "inevitably vehement denial of any God", which is precisely a claim of atheism.[5] The contemporary overheated discussion about religious extremist violence seems to exasperate the tendency to conflate secularism and atheism, as a motivation for the violence seems to be a misidentification of secularism as an anti-deity worldview. There is a perilous and misleading trend embedded in the confusion. People tend to misidentify religion itself as the root of escalated religious violence. Thus they consciously or unconsciously campaign for atheism as if the best or only solution is the abandonment of religion. Jacques Berlinerblau warns us that, in the United States, religious conservatives have profitably promulgated this misconception at least since the 1970s. Claiming that secularism and atheism are the same thing makes for good "culture warfare".[6] Many Americans harbor irrational prejudices toward non-believers. Jacques Berlinerblau worries that by "intentionally blurring the distinction between atheism and secularism, the religious conservative succeeds in drowning both."[7] That is precisely why we need to make a conceptual distinction to shield secularism from being viewed as atheism or even an antireligious worldview.

But what is wrong with atheism and an antireligious worldview in the public discourse, really? Why do we need to make this distinction and restrict secularism in the political sense in the first place, and why not defend secularism as a comprehensive moral view? These are the questions I need to answer in this and the next chapter. Part of the answer hinges on the deficiencies of atheism which I am about to discuss in section V. I am going to explain the quintessential new atheist arguments and unravel their flaws (section IV & V). Apart from the weaknesses of atheism, the purpose and limitation of political philosophy also demands that we to defend secularism as a political doctrine, which will be dealt with in the following chapters.

Historically speaking, secularism is a product of the Protestant ethic and was

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[4] Paul Cliteur has written thorough and extensive accounts about the differences between them in *The Secular Outlook: in Defense of Moral and Political Secularism* (Wiley-Blackwell, 2010) 25-42.

[5] Jacques Berlinerblau, "Introduction: Secularism and Its Confusions", in *Secularism on the Edge: Rethinking Church-State Relations in the United States, France, and Israel* (Jacques Berlinerblau ed., St. Martin's Press, 2014) 5.

[6] Jacques Berlinerblau, "Secularism Is Not Atheism," in *The Huffington Post*, 07/28/2012.

[7] Ibid.

shaped by it, so they were far from opposites Before the Protestant Reformation, the Church had absolute authority in both the religious sphere and in secular politics. The Protestant Reformation came to "designate the passage, transfer, or relocation of persons, things, functions, meanings, and so forth from their traditional location in the religious sphere to the secular sphere."[8] One of the most prominent effects of the Protestant Reformation is the undermining of the Church's authority. After the Reformation, the Church's monopolist compulsory character was undermined by the rise of a modern secular state which was able to progressively concentrate and monopolize the means of violence and coercion within its territory.[9] The secular and the religious were envisioned as coordinated, mutually enriching components of a polity under God. That is why Berlinerblau points out that the attempts to equate secularism with atheism are at least "historically imprecise".[10] Nevertheless, the official term "secularism" was not used until the 19th century. The term was coined by British freethinker George Jacob Holyoake (1817-1906), who coined the term in a newspaper, *The Reasoner,* on 10 December, 1851.[11] Holyoake's promotion of secularism as a comprehensive worldview that, to some extent, could replace religion leads to the inevitably dubious equation of secularism and atheism. It is therefore very important for us to grasp the cause of the continuing confusion by examining the conceptual beginnings of secularism and atheism, their entailments, and their long-standing entanglement with each other (section II & III).

II.   The Birth of the Concept of Secularism

The dominant Victorian values in 19th century England were seen as repressive and hypocritical. It was not a coincidence that such a concept was born in such a time. With the fall of dogmatic religious faith and the rise of freethought[12], 19th century England

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[8] José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994) 22.

[9] Ibid.

[10] See Jacques Berlinerblau, *Introduction: Secularism and Its Confusions* in *Secularism on the Edge: Rethinking Church-State Relations in the United States, France, and Israel* (Jacques Berlinerblau ed., St. Martin's Press, 2014) 8.

[11] George Jacob Holyoake, *English Secularism: A Confession of Belief* (Open Court Publishing Co., 1896) Chapter IX. Also see http://www.gutenberg.org/files/38104/38104-h/38104-h.htm, produced by David Widger. In this dissertation, I am citing from this free online source.

[12] The tradition of freethought is closely associated with secularist ideas. Freethought aims to criticize religion, which is because freethought is, first of all, the free development of thought. The practitioners of freethought are known as "freethinkers". In Holyoake's time in England, the term freethinker was used "to describe those who stood in opposition to the institution of the Church of England and to literal belief in the Bible. The beliefs of these individuals were centred on the concept that people could understand the world through consideration of nature." See Paul Cliteur, *The Secular*

was in drastic intellectual turmoil. Most of Europe, including England, went through a period of rapid industrialization and urbanization, and the conditions of the poor caused much concern in society. The religious majority's opposition to contraception, treatment of sexually transmitted diseases, and legal controls on prostitution inspired intellectual push-back. Although the 19th century is thought of as a pious age, it was also an age of "doubt and loss of faith for many thoughtful people".[13] Correspondingly, humanist thinking developed rapidly in this era, largely owing to new scientific thinking and discoveries. One of the most influential publications in the 19th century, Charles Darwin's (1809-1882) *Origin of Species*, was published in 1859. Evolution theory caused many people to doubt their long-held views about religion. T. H. Huxley (1825-1895), a staunch defender of Darwin, coined the word "agnostic" in 1869 to describe his belief that there were things that "we could not possibly know".[14] Coincidentally, moral philosophy also became increasingly detached from religion. The positivist movement put forward by French philosopher Auguste Comte (1798-1857) profoundly fortified people's dependence on empirical observation and, in the meantime, reduced their reliance on metaphysical thought. John Stuart Mill (1806-1873) further developed Jeremy Bentham's (1748-1832) utilitarianism by introducing higher and lower pleasures and proof of the principle of utility, the ultimate standard by which to measure moral actions.

The England of the 19th century also witnessed the ascent of intellectuals who openly challenged religion and theology. George Jacob Holyoake and Charles Bradlaugh (1833-1891) are both representatives of the freethinkers of 19th century England. Holyoake was the person who invented the concept of secularism while Bradlaugh was Britain's first open atheist. They were both significantly influenced by the social and political reforms of that time, and both aimed to advocate humanist thinking by undermining the impact of religious doctrines and spreading rational principles. However, they had their disagreements with respect to their approaches to dealing with religion and theology. While Holyoake advanced secularism as a comprehensive worldview in place of religion, Bradlaugh insisted on treating atheism as the only alternative to theism.

2.1 Holyoake's Life

Holyoake was born and bred in Birmingham, in an age "when social and political ideas

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Outlook, 69-70.

[13] See https://humanism.org.uk/humanism/the-humanist-tradition/19th-century-freethinkers/.

[14] Ibid.

were in the air".[15] Robert Owen[16] declared in the London Tavern that all the religions of the world were wrong; Jonathan Wooler[17] issued the first issue of *The Black Dwarf*; St. Jean Godin[18] founded the famous Familistere of Guise.[19] Trained in Christianity, Holyoake began to understand that "sincerity was not the same thing as truth", just as knowledge was more than what could be found in the books lying about everywhere to those who observe and think.[20] "Seeing that he had to be answerable for what he believed"[21] made him realize it was prudent to form his own opinions. The habit he had acquired in his early days of frequenting chapels and missionary meetings led him to attend political assemblies, which further broadened his views of life and duty.[22] Holyoake met Robert Owen in 1837, and they quickly became friends. They began to lecture and write articles advocating socialism together. Later, he joined Charles Southwell in protesting against and refusing to enforce the official policy that lecturers should take a religious oath. Holyoake became the editor of an atheist newspaper, *Oracle*, and became an atheist himself.[23] Holyoake retained his disbelief in God all his life; however, he decided to adopt Huxley's label of agnostic[24]once it was available. He felt that agnosticism more exactly suited his a-theological position since it illustrated "the limitation of an assertion to actual knowledge".[25] "Never doubting that other persons

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[15] See George Jacob Holyoake, *Sixty Years of an Agitator's Life* (London T. Fisher Urwin, 1892)4.

[16] Robert Owen (1771-1858) was a Welsh social reformer and one of the founders of utopian socialism and the cooperative movement, also a renowned secularist who combined secularism with socialism. He inspired Holyoake's secularism idea and maintained close relationship with him.

[17] Thomas Jonathan Wooler (1786-1853) was a publisher, and he was active in the radical movement of early 19th century Britain. He used to work for the journal *The Reasoner*, the one Holyoake took over in 1860. *The Black Dwarf* was a satirical journal, which made him famous.

[18] Jean-Baptiste André Godin (1817 –1888) was a French industrialist, writer and political theorist, and social innovator.

[19] George Jacob Holyoake, *Sixty Years of an Agitator's Life*, 4.

[20] Ibid.

[21] Ibid.

[22] See ibid, 33.

[23] Ibid.

[24] Agnostic is a contextual word, which can be used in a non-theological way. For example, a cosmologist could say he is agnostic about quantum theory. Huxley nevertheless confines the word to a theological context. Huxley explains his account of agnosticism: "I took thought, and invented what I conceived to be the appropriate title of 'agnostic'. It came into my head as suggestively antithetic to the 'agnostic' of Church history, who professed to know so much about the very things of which I was ignorant." By way of clarification, Huxley states, "In matters of the intellect, follow your reason as far as it will take you, without regard to any other consideration. And negatively: In matters of the intellect, do not pretend that conclusions are certain which are not demonstrated or demonstrable." Huxley thought that we would never be able to know about the ultimate origin and causes of the universe. Aldous Huxley, *Agnosticism* (London: K. Paul. Trench, 1889)183, 186-187.

[25] See George Jacob Holyoake, *Bygones Worth Remembering* (Vol. II, E.P. Dutton & Company, Two volumes, 1905): Chapter XXX. Also see

had a right to disagree"[26]: that is what Holyoake found was lacking from the theological-inclined. This taught him the "dangerous" habit of freely saying what he thought, which resulted in his being imprisoned for six months in 1842.[27]

It happened when Holyoake was delivering a public lecture in the Cheltenham Mechanics' Institution upon Self-Supporting Home Colonies. A local preacher rose and said Holyoake had spoken of "our duty towards men, but had said nothing of our duty towards God," and so the preacher asked for information about this.[28] Holyoake could have replied that theology was not his subject, but instead he subversively condemned spending too much money to build churches in British industrial colonies, while people there were living in distressed conditions. He said, "If I could have my way, I would place the deity on half pay as the Government of this country did its subaltern officers."[29] It was a defiant answer to the preacher, but not to the extent to shock anyone, as it was conveyed in a light tone yet with audacity, which he deemed the occasion required, but later he was charged with blasphemy.[30] Holyoake was the first and also the last person in England who was to be imprisoned on such a charge.

Before his incarceration in 1842, Holyoake was the editor of the newspaper *Oracle*, whilst after the imprisonment it was not easy for him to find profitable employment. He thought if he retired from public advocacy he would be regarded "as a coward", that many others would be discouraged too, and that "the enemies of freethought would triumph and grow insolent", so he became a free speaker on prohibited subjects.[31] In 1845, Holyoake established the newspaper *The Reasoner*, in the context of which he developed the concept of secularism in 1851. Before its official launch, secularism as a new form of thought and action was not in Holyoake's mind yet; he admitted that he merely had "a taste for reasoning on morality" that excluded theology.[32] By the time Holyoake coined the term secularism, he took the term secularism as a new name for a new conception, epitomizing a new form of freethought.

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http://www.gutenberg.org/files/36796/36796-h/36796-h.htm, produced by David Widger. In this dissertation, I am citing from this free online source.

[26] George Jacob Holyoake, *Sixty Years of an Agitator's Life,* 49.

[27] Ibid., 5.

[28] Ibid., 142.

[29] George Jacob Holyoake, *The History of the Last Trial by Jury for Atheism in England: A Fragment of Autobiography* (London: James Watson, 1851): Chapter I. Also see http://www.gutenberg.org/files/36799/36799-h/36799-h.htm, produced by David Widger. In this dissertation, I am citing from this free online source.

[30] See George Jacob Holyoake, *Sixty Years of an Agitator's Life* (London T. Fisher Urwin, 1892) 141-169.

[31] Ibid., 176.

[32] Ibid., 210.

In Holyoake's later years, he mainly dedicated to facilitate the cooperative movement of lower-class workers. On 22nd January, 1906, Holyoake died at Brighton, Sussex. He was buried in London.

2.2 Secularism as a Comprehensive Set of Affirmative Principles

When Holyoake maintains that secularism is a new name for a new conception, what Holyoake has in mind is a set of affirmative principles mainly intended "for those who find theology indefinite or inadequate, unreliable or unbelievable."[33] It is, however, already more than a mere negation of theology.

Tremendously influenced by the positivist philosophy of French philosopher Auguste Comte, Holyoake believes that negation cannot bring sustained progress.[34] Comte believes that the scientific method, especially the mutual dependence of theory and observation must replace the abstract and unverifiable metaphysics. Holyoake repeatedly referred to one maxim which was also quoted by Comte: "nothing is destroyed until it has been replaced."[35] This criticism has precisely revealed the deficiency of theology for mankind, and the real task of secularism is to "set up and maintain affirmative propositions", replacing "negations by affirmations", substituting "demonstration for denunciation", spelling out "the truths of nature and humanity".[36] So far we can see that what Holyoake understands by secularism is what is called "humanism" in contemporary speech.[37] Holyoake is also hugely impacted by the utilitarianism of John Stuart Mill, with whom he sustains a life-long friendship. Strongly under the influence of 19th century humanist thinking, especially Comte's and Mill's, Holyoake forms his own system of what secularism entails.

Holyoake wrote extensively in his life, but his major work of secularism was compiled in *The Origin and Nature of Secularism* (1896), while its American version was entitled as *English Secularism: A Confession of Belief*. Holyoake defines secularism as "a code of duty pertaining to this life, founded on considerations purely human."[38] In general,

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[33] See George Jacob Holyoake, *The Principles of Secularism* (Third edition, Revised, Austin and Company, London 1871): Chapter III. I. Also see http://www.gutenberg.org/files/36797/36797-h/36797-h.htm. In this dissertation, I am citing from this free online source.

[34] Ibid., chapter IX. II.

[35] Ibid.

[36] Ibid.

[37] See Andrew Copson and A.C. Grayling, eds., *The Wiley Blackwell Handbook of Humanism*, (Wiley Blackwell, Chicester 2015) 2.

[38] George Jacob Holyoake, *English Secularism: A Confession of Belief*. Chapter VII. http://www.gutenberg.org/files/38104/38104-h/38104-h.htm.

Holyoake claims that

> "[S]ecularism is the study of promoting human welfare by material means, measuring human welfare by the utilitarian rule, and making service to others a duty of life. Secularism relates to the present existence of man, and to action, while both of those issues can be tested by the experience of this life."[39]

Secularism propagates itself "in the promotion of human improvement by material means", and thrives as the foundation of "common unity for all who would regulate life by reason and ennoble it by service."[40] Holyoake proposes three affirmative principles of secularism to compensate the deficiency of theology, which are "(1) the improvement of this life by material means; (2) that science is the available providence of man; (3) that it is good to do good. Whether there is other good or not, the good of the present life is good, and it is good to seek that good."[41]

At first glance, the first principle of secularism appears far removed from today's discussion of political philosophy and ethics. Simply put, Christians and secularists both intend to cultivate people but their methods are quite different: "Theology works by spiritual means", while secularism works by "material means".[42] The second principle proposed by Holyoake is that "science is the available providence of man".[43] One of theology's common claims is that mankind is limited in power and is often in peril; however, those "who are taught to trust in supernatural aid are betrayed to their own destruction"[44] as praying for help actually does not help. By contrast, secular life is enhanced by the idea of self-help. Holyoake believes that a secularist guides himself by means of "maxims of positivism"[45] so that he upholds provable principles. Secularists do not have to be scientific, but they are able to "discern the value of science, to appreciate and promote it."[46] These two principles show the strong influence of Comte's positivist philosophy on Holyoake.

When it comes to meta-ethics, Holyoake's philosophy of secularism also manifests a

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[39] George Jacob Holyoake, *The Principles of Secularism*: Chapter III. I.
http://www.gutenberg.org/files/36797/36797-h/36797-h.htm.

[40] Ibid.

[41] George Jacob Holyoake, *English Secularism: A Confession of Belief:* Chapter VII.
http://www.gutenberg.org/files/38104/38104-h/38104-h.htm.

[42] Ibid., chapter VIII.

[43] Ibid., chapter VII.

[44] Ibid., chapter VIII.

[45] George Jacob Holyoake, *The Principles of Secularism*: Chapter III. II.
http://www.gutenberg.org/files/36797/36797-h/36797-h.htm.

[46] Ibid., chapter IX. III.

naturalistic position. Holyoake reckons that a secularist seeks to discern what is in nature so that he knows what ought to be in morals. Secularism only accepts the authority of nature, adopting the methods of science and philosophy, and only respects rules of conscience, as they exist in the common sense of mankind.[47] As for the meaning of "secular", what "can be tested by the experience of this life"[48], the principle requires that precedence should be given to the duties of this life over those which pertain to another world. The common ground of all freethinkers then is the independence of opinion. It can be prompted by atheism depriving superstition of its foundation, so as to compel theism to argue for its validity. Or it also can be induced by materialism, "which shows the physical consequences of error, supplying, as it were, beacon lights to morality."[49] On the subject of the dispute on the nature of existence between atheists and theists, due to a lack of sufficient evidence, secularism "neither asks nor gives any opinion" on this, and it confines "itself to the entirely independent field of study, the order of the universe."[50]

Holyoake states the third principle as "it is good to do good. Whether there is other good or not, the good of the present life is good, and it is good to seek that good."[51] The third principle is, as far as I am concerned, the most crucial, complex, and relevant one for secularism in the contemporary context. Even in today's world, one of the most powerful assertions of theology or religious ethics is that religion represents the utmost good and leads human beings toward it. To a large extent, all of our persistent arguments of secularism, religion, or even ethics spring from that principle. Does religion symbolize the supreme good in the world? Do we uphold religion solely because it is fundamentally good? Is it justified and desirable to bring the good of religion into political debates? Do we have any obligations to do what religious scripture specifies? Is it possible to act morally without religion? Certainly it is not Holyoake who invented or initiated those arguments. But Holyoake's claim explicitly shakes the fundamental grounds of religion. Secularism denotes the "moral duty of humans in this life, deduced from considerations"[52] pertaining to this life alone. Holyoake argues that "goodness is service to others with a view to their advantage" and human welfare; that is the "sanction of morality".[53] Enlightened and convinced by J. S. Mill, Holyoake builds the moral

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[47] George Jacob Holyoake, *English Secularism: A Confession of Belief:* Chapter XV. http://www.gutenberg.org/files/38104/38104-h/38104-h.htm.

[48] Ibid., chapter VII.

[49] Ibid.

[50] Ibid.

[51] Ibid.

[52] George Jacob Holyoake, *The Principles of Secularism:* Chapter IX. I. http://www.gutenberg.org/files/36797/36797-h/36797-h.htm.

[53] George Jacob Holyoake, *English Secularism: A Confession of Belief.* Chapter VIII. http://www.gutenberg.org/files/38104/38104-h/38104-h.htm.

correctness of his secularism on utilitarian moral philosophy, on the idea that morality is independent of scriptural religion and that it is built on reason and utility. Holyoake's defense of this principle or the whole idea of secularism is established on the basis of Mill's utilitarianism by asking whether secularism is useful or serviceable to many minds. He argues that the "measure of a good action is its conduciveness to progress."[54]

> "Whatever may be the value of metaphysical or theological theories of morals, utility in conduct is a daily test of common sense, and is capable of deciding intelligently more questions of practical duty than any other rule."[55]

On the premise of taking utilitarian rules as adequate guides in all matters of morality, Holyoake states that the sufficiency of secular reason for guidance in human duties is part of what secularism means. Admittedly, Holyoake's defense of such a moral principle may not be compelling or comprehensive enough; it does indeed leave room for the religious good. As human beings, we are perfectly able to perform our duties as rational agents and seek the good as what is desired in this secular world. By virtue of this principle, the significance of humanism and the moral thinking of secularism emerged. Secularism is no longer merely a fancy cover for atheism, or a natural attribution, e.g., a substitute for nature of origins.

III. Atheism Endorsed by Charles Bradlaugh

3.1 Bradlaugh's Life

As the first open atheist in the UK, Charles Bradlaugh was a zealous social activist, an eloquent speaker, a parliamentarian, and one of the most important leaders of organized atheism in 19th century Britain. Bradlaugh was born and grew up in Bethnal Green in London under financially unprivileged circumstances. He started his schooling, which was steeped in Christian teaching, at seven years old, and ended it before eleven.[56] After that, Bradlaugh continued to attend Sunday school and eventually became a Sunday school teacher, presumably immersing him more in the Bible than his regular school had ever done.[57] However, later on, Bradlaugh carefully studied and compared the thirty-nine

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[54] Ibid.

[55] Ibid., chapter VII.

[56] See Timothy Larsen, *A People of One Book: The Bible and the Victorians* (Oxford University Press, 2011) 69.

[57] Ibid., 70.

articles of the Church of England and the four gospels. To his dismay, he found that they did not agree and he was completely unable to reconcile them.[58] Bradlaugh thus wrote a letter to the Reverend of his parish asking for aid and explanation, which brought him three months of Sunday school teaching suspension and he was thrown out of his own house. During the three months suspension, Bradlaugh had the opportunity to meet people of whom "he had scarcely heard" before.[59] He joined an energetic and enthusiastic group of freethinkers led by Richard Carlile (1790-1843),[60] who was an important propagandist promoting the establishment of universal suffrage and freedom of the press in the UK.

Due to his financial predicament, Bradlaugh joined the British Army from 1850 to 1853, and then became an antireligious lecturer under the name of "Iconoclast".[61] By then, Bradlaugh had grown more radical in his views compared to before he was enlisted. Bradlaugh delivered a series of anti-Bible lectures which gained prominence in a number of liberal groups and among secularists. In 1858, Bradlaugh became the president of the London Secular Society. Two years later, he took over the editorship of the secularist newspaper the *National Reformer*, which was prosecuted for blasphemy and sedition. Luckily, Bradlaugh was eventually acquitted on those charges.[62] Later on, Bradlaugh was elected Member of Parliament for Northampton in 1880, but his seat was denied because he asked to be allowed to make a solemn affirmation in court instead of taking the religious oath of the parliament.[63] For the next five years, he compromised and relinquished his request eventually. After three more elections, Bradlaugh was finally admitted to be seated in 1886.[64] Over the next few years, he had the right to speak and

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[58] See Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (7th ed., London, 1908). Also see http://www.gutenberg.org/files/45130/45130-h/45130-h.htm (Vol. I) and http://www.gutenberg.org/files/45131/45131-h/45131-h.htm. (Vol. II) In this dissertation, I am citing from these free online sources.

[59] See Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. I): 9. http://www.gutenberg.org/files/45130/45130-h/45130-h.htm.

[60] See ibid.

[61] See ibid., 39-42.

[62] But his problems with the authority were not over yet. In 1876, Bradlaugh and his friend Annie Besant were prosecuted and tried because they republished the American Charles Knowlton's pamphlet advocating birth control in England. Bradlaugh and Annie were sentenced with fines and six months' imprisonment, but later the court of Appeal overruled their convictions. See Edward Royle (2004-09-23), "Bradlaugh, Charles (1833-1891)", politician and freethinker. *Oxford Dictionary of National Biography*. Retrieved 29 May. 2018, from http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-978019861412 8-e-3183.

[63] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. II): 209. http://www.gutenberg.org/files/45131/45131-h/45131-h.htm.

[64] Ibid., 361.

vote in the House of Commons regarding issues ranging from domestic affairs to Britain's foreign policies. He died at the age of 57 in 1891 in London, with over 3000 mourners at his funeral.

3.2 Bradlaugh's Defense of Atheism and Refutation of Theism

Bradlaugh mounts systematic, thorough, and strong defenses of atheism in his life's work. He argues that atheism, properly understood, is no mere disbelief; "it is, on the contrary, a hearty, fruitful affirmation of all truth, and involves the positive assertion of the highest humanity."[65] Atheism is a positive affirmation which does not include any possibility of theology. To defend atheism, Bradlaugh has to collect the meaning of God as expressed by theism and defeat it first. Theism includes pantheism, polytheism, and monotheism, in which Bradlaugh locks on monotheism as the form of theism he will deal with. It is because, according to Bradlaugh, if monism is defeated then all pretenses of theism collapse. Moreover, "there cannot be more than one ultimate explanation of the universe,"[66] which has to be either atheism or monotheism. Therefore, Bradlaugh focuses on the Christian Scripture, with an animating purpose to discredit the Bible in every possible way, point by point.

Bradlaugh refutes theism from four perspectives: 1) the untenable explanations of what God is; 2) the nullity of the specific word "God" itself; 3) the implausibility of God's intelligence; 4) the fallibility of proving God's existence. First of all, regarding the theistic explanations of God as the creator and the governor of the universe, Bradlaugh considers both inconceivable. As for the theists' claim of God as a creator, atheists think this conception is utterly impossible. According to Bradlaugh, "we are utterly unable to construe it in thought that the complement of existence has been either increased or diminished, and we certainly cannot conceive of an absolute origination of substance."[67] Bradlaugh continues, "we also cannot conceive of, on the one hand, nothing becoming something, or on the other, something becoming nothing. The words 'creation' and 'destruction' have no value except when applied to phenomena."[68] In confronting the

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[65] Charles Bradlaugh, "A Plea for Atheism", xci, in *Charles Bradlaugh's Theological Essays* (London, A. Bonner, 1895) and also republished in *An Anthology of Atheism and Rationalism,* (Stein, Gordon, ed., Prometheus Books, 1980). Also see http://www.gutenberg.org/cache/epub/39266/pg39266.pdf?session_id=eca428032b8b4f7dd44f9731805dd9c0298b4c2a, produced by David Widger. I will cite from this version provided by Gutenberg.org hereafter.

[66] Charles Bradlaugh, "A Plea for Atheism", cvi.

[67] Ibid., xci.

[68] Ibid.

claim of God as the governor of the universe, atheists point to the contradiction of all the existing evil things, like "pain, misery, crime, poverty", and the eternal goodness of God.[69] "Theism, asserting God as the creator and governor of the universe, hinders and checks men's efforts by declaring God's will to be the sole directing and controlling power."[70] Conversely, atheism, "by declaring all events to be in accordance with natural laws — that is, happening in certain ascertainable sequences — stimulates men to discover the best conditions of life, and offers them the most powerful inducements to morality."[71] While theism provides "future happiness for a scoundrel repentant on his death-bed",[72] atheism "affirms present and certain happiness"[73] for those who live a fulfilled life in this life.

Secondly, as for the specific meaning of the word "God", Bradlaugh wanted to ascertain what is meant to be conveyed by the word "God", it is very important to prevent any misunderstanding of theism in the first place.[74] In order to search for the meaning attached to the word "God", Bradlaugh learns Hebrew and traces back the word "God" in its Hebraistic origin in the ancient Jewish records. In Hebrew, Bradlaugh hardly finds anything within it to aid what is required for the sustenance of modern theism. The most charitable definition of the word can only be equivalent to such a declaration: "I am, I have been, I shall be".[75] When it comes to tracing the theistic ideas' growth amongst all people, Bradlaugh ends up finding its root "in the superstition and ignorance of a petty and barbarous people, nearly ignorant of literature, poor in language, and almost entirely wanting in sophisticated conceptions of humanity."[76] Bradlaugh thus concludes that "the theist derives no argument in his favor; it teaches nothing, defines nothing, demonstrates nothing, explains nothing".[77]

Thirdly, the theists also declare their God to be infinitely intelligent, whereas atheists disagree. Bradlaugh holds that there is no perfect intelligence without reason, will, and perception, and God has none of them. By reason, Bradlaugh means the ability to predict the future based on the past and present experience, which can never be true of God. To God, there can be neither past nor future; therefore, to him, reason is impossible. As for will, if God wills, "the will of the all-powerful must be irresistible

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[69] Ibid., xcii.

[70] Ibid., xciii.

[71] Ibid.

[72] Ibid.

[73] Ibid.

[74] Ibid., xciv.

[75] Ibid., xcv.

[76] Ibid., xciv.

[77] Ibid., xcvi.

while the will of the infinite must exclude all other wills. God can never perceive,"[78] as the act of perception leads to a new idea, which is impossible for God since, if he is omniscient, his ideas should have been and always remains unchanged.[79]

The last proposition of theism, and also the strongest one Bradlaugh examines, is the claim that God is the first cause of every effect in the world.[80] It is the most difficult one to deal with as well. Through a priori arguments and a posteriori arguments, theists try to demonstrate the existence of the omnipotent God. Bradlaugh nullifies their endeavors by deconstructing the priori argument and posteriori argument respectively. The a priori argument, from cause to effect, is "a method of proof in which the matter of the premises exists in the order of conception antecedent to that of the conclusion."[81] The a priori argument argues that "the universe owes its existence…to the reason and will of a self-existent being who is infinitely powerful, wise, and good."[82] The a priori argument nevertheless forces theism into an impasse by assuming that the universe has not always existed. The claim was that the new existence added when the universe began was either an improvement or a deterioration, or precisely identical with what had always existed in all respects.

> "…[I]f the new universe was an improvement, then the previously self-existent being could not have been infinitely good. If the universe was a deterioration, then the creator could have scarcely been all-wise, or he could not have been all-powerful. If the universe was in all respects precisely identical with the self-existent being, then it must have been infinitely powerful, wise and good, and must have been self-existent."[83]

Again, if a God exists, he could have convinced all mankind of the fact of his existence so that there would not be any doubt, disagreement, or disbelief. If he fails to do so, then he is neither omnipotent nor omniscient.[84] Contrariwise, the posteriori argument aims to establish itself on the analogy between other substances and God as the designer. Proponents of the posteriori argument endeavor to deduce the existence of a deity from the appearance of designs in nature. But the most the posteriori argument can do is to

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[78] Ibid., xcvii.

[79] Ibid.

[80] Ibid., xcviii.

[81] Ibid., ci

[82] Ibid.

[83] Ibid., ci.

[84] Ibid., cii.

"infer the existence of a finite cause or…of a multitude of finite causes".[85] The problem of the posteriori argument is that it is impossible to deduce the infinite from the finite, and thus it cannot demonstrate God's existence. By the same token, God's omnipotence remains unproved too. Theists' inability to convince all mankind of God's existence precisely contradicts God's omniscience. Besides, if God does exist then, being a good God, he would not allow all that unfortunate persecution, strife, and bloodshed resulting from doubts and disagreements about his existence and attributes. Hence, either he is not good or he is not all powerful after all.[86]

Apart from the above refutation against theism from the perspective of metaphysics, Bradlaugh also criticizes the delusion that progress and civilization are the product of Christian theology.[87] It was claimed that many prominent humanity endorsers were Christians, which claim puts the cart before the horse: the development in other ideas and principles of civilization were long procrastinated by Christian dominated governments.[88] He takes the abolition of slavery as a clear exemplification of a gain to humanity led by unbelief in contrast with the fact that Christianity supported slavery for ages. As for those prominent proponents of humanity, Bradlaugh argues that their exceptionality was not "a consequence of their adhesion to Christianity, but that it existed in spite of it; the specific points of advantage to human kind have been in direct opposition to precise biblical enactments."[89] The progress of the human race has sprung precisely from unbelief.

3.3 The Cross between Holyoake and Bradlaugh

In attending freethought meetings, young Bradlaugh became acquainted with Holyoake's brother Austin Holyoake, by whom he was first introduced to George Jacob Holyoake.[90] From his first meeting with Holyoake in 1850 till his death, the relationship between the two most prominent freethinkers at that time endured many twists and turns. According to Bradlaugh's daughter, Holyoake "had long been on strained terms with Bradlaugh, and avowedly regarded him with disfavor as a too militant atheist."[91] But in Holyoake's own

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[85] Ibid., xcix.

[86] Ibid., ciii.

[87] See Charles Bradlaugh, "Humanity's Gain from Unbelief," *North American Review* 148 (1889): 296.

[88] Charles Bradlaugh, "A Plea for Atheism", lxi.

[89] Charles Bradlaugh, "Humanity's Gain from Unbelief," 297.

[90] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. I): 21. http://www.gutenberg.org/files/45130/45130-h/45130-h.htm.

[91] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work*: (Vol. II): 224. http://www.gutenberg.org/files/45131/45131-h/45131-h.htm.

view, he had personal relations with Charles Bradlaugh all his life.[92] Holyoake helped Bradlaugh with his first lecture "Past, Present, And Future of Theology" when Bradlaugh was only sixteen years old.[93] Holyoake admitted that it was with great reluctance and only in defense of principle that he had to oppose him.[94]

The deterioration point of Bradlaugh and Holyoake's relationship came in 1857. Holyoake refused to publish Bradlaugh's work "The Bible: What It Is", on the ground that "Bradlaugh had probably gone too far in his mode of criticism".[95] Holyoake did not want to be identified with Bradlaugh's progressive criticism of religion. Bradlaugh was both surprised and indignant by such an unexpected rejection at the time. After that, in the beginning of 1862, Holyoake became a special contributor to Bradlaugh's newspaper the *National Reformer*, which engendered a financial dispute between the two of them in the end. Apart from those two unhappy incidents, Holyoake also resented freethinkers taking a religious oath under any circumstances, but Bradlaugh was willing to do it as "the forced formality is a much smaller matter than the evil of a miscarriage of justice".[96] In 1881, at the opening of the Leicester Secular Society's new Secular Hall, both of them spoke, representing different unions. Bradlaugh was the leader of the National Secular Society, while Holyoake was the founder of the British Secular Union.

The culmination of their being lifelong frenemies was epitomized in the following event. In 1870, they held two oral debates entitled "the principles of secularism do not include atheism" and "secular criticism does not involve scepticism" respectively on two consecutive nights from 10 to 11 March, which drew great attention and were copiously quoted for many years.[97] Both of them were freethinkers of the most convinced kind, but whereas Holyoake chose rather to describe himself as a secularist, Bradlaugh called himself an atheist. The whole difference between them is already indicated in these two descriptors. Bradlaugh referred to atheist in its simplest meaning as "without God", and as for all those attached opprobria; they merely lay in the narrowness of others' minds

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[92] George Jacob Holyoake, *Bygones Worth Remembering* (Vol. I, E.P. Dutton & Company, Two volumes, 1905): Chapter II. Also see http://www.gutenberg.org/files/36795/36795-h/36795-h.htm, produced by David Widger. In this dissertation, I am citing from this free online source.

[93] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. I): 21. http://www.gutenberg.org/files/45130/45130-h/45130-h.htm.

[94] George Jacob Holyoake, *Bygones Worth Remembering* (Vol. I, E.P. Dutton & Company, Two volumes, 1905): Chapter II. Also see http://www.gutenberg.org/files/36795/36795-h/36795-h.htm.

[95] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. I): 64. http://www.gutenberg.org/files/45130/45130-h/45130-h.htm.

[96] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. II): 224. http://www.gutenberg.org/files/45131/45131-h/45131-h.htm.

[97] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. I): 333. http://www.gutenberg.org/files/45130/45130-h/45130-h.htm.

but not in the atheists'.[98] Holyoake personally was an atheist as well, but he refused to adopt such a term. He preferred to adopt the new name of secularism and disassociated it from atheism altogether, not as a matter of policy, which point he underscores repeatedly.[99]

In those two debates, Holyoake held that secularism had no connection with atheism or skepticism. Secularism should assert its own principles without assailing others, including theological systems. He conceded that secularism, which presupposed the existence of atheist societies and freethinking societies, is indeed built partly upon the results attained by atheism or theism.[100] "The significant next step of secularism, also the one distinguishing it from atheism, is to go farther than that, to be distinct from them, to be affirmative, to act upon what free inquiry had discovered, to occupy the ground criticism had won, to set up principles of nature in the place of principles of theology, and found, if possible, a kingdom of reason, for those who found the kingdom of faith inadequate and unreliable."[101] Neither the existence of God, nor the non-existence of God, neither the mortality, nor the immortality of the soul are in any way necessary; they are separate and independent from secular tenets.[102] Holyoake stressed his point as follows:

> "Secularism is not an argument against Christianity; it is one independent of it. It does not question the pretensions of Christianity, it advances others. Secularism does not say there is no light and guidance elsewhere, but maintains that there is light and guidance in secular truth, whose conditions and sanctions exist independently, act independently, and act forever. Secular knowledge is manifestly that kind of knowledge which is founded in this life, which relates to the conduct of this life, conduces to the welfare of this life, and is capable of being tested by the experience of this life."[103]

Like what Holyoake underlines before, the term secularism is never merely taken to be a mask or as a substitute term for skepticism or atheism. Secularism extends free thought to ethics, to the extent of replacing the chief errors and uncertainties of theology.

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[98] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of His Life and Work* (Vol. II): 122. http://www.gutenberg.org/files/45131/45131-h/45131-h.htm.

[99] George Jacob Holyoake & Charles Bradlaugh, *Secularism, Scepticism, and Atheism: Verbatim Report of the Proceedings of a Two Nights' Public Debate* (London, Austin & Co., 1870) 1.

[100] Ibid., 3.

[101] Ibid.

[102] Ibid., 5-6.

[103] Ibid., 74.

Secularism claims that morality does not rest on theology but on material and social facts without actively dismissing or criticizing religious beliefs. The word "secular" implies those issues "which can be tested by the experience of this life." Secularism is not the removal of Christianity; secularism's object was to "contest the error, not the truth, which was also likely included in Christianity, whereas to remove it would amount to removing the good as well as the evil."[104] What Holyoake yearned to maintain was that:

> "The secular principle that duties of this life which we know should take precedence over those of another which we do not know; that in human affairs science is the providence of man, that morality rests upon foundation purely human; that escape from the penalties of sin by the death of another is not good in principle nor in example; and that where scriptural precepts appear to conflict, guidance can only come by selection."[105]

Holyoake being an atheist himself should not interfere with his arguments for secularism.[106] *The Reasoner*'s reader, the English social theorist and writer Harriet Martineau, was a supporter of Darwin's theory and a steady endorser of Holyoake's work. In a letter she sent to an American newspaper, *Liberator*, she understood that, Secularism could be justified by

> "[I]ts including a large number of persons who are not atheists, and uniting them for action which has secularism for its object, and not atheism. On this ground, and because by the adoption of a new term a vast amount of impediment from prejudice is got rid of, the use of the name secularism is found advantageous; but in no way interferes with Mr. Holyoake's profession of his own unaltered views on the subject of a First Cause."[107]

By contrast, Bradlaugh questions the genuine intelligibility of Holyoake's secularism. According to Holyoake, the secularist's position is a kingdom of reason for those who

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[104] See George Jacob Holyoake, *Sixty Years of an Agitator's Life*, 259.

[105] Ibid.

[106] This comes as a bit of surprise to the reader who might think: "So what is the difference?". The difference is that Holyoake, partly for strategic reasons, probably does not want to make atheism the focus of his attention. He chooses secularism as a term which might attract a wider circle of supporters. But, in essence, he personally is an atheist; that does not differ from Bradlaugh in the sense that Holyoake also does not believe in God. I thank Paul Cliteur for this supplementary point.

[107] George Jacob Holyoake & Charles Bradlaugh, *Secularism, Scepticism, and Atheism: Verbatim Report of the Proceedings of a Two Nights' Public Debate,* 49.

find the kingdom of faith impossible. The secularist finds the kingdom of faith impossible, he finds belief in god impossible, and he finds belief in religion impossible. Bradlaugh argues there is no difference between a secularist's claim of "finding belief in God impossible" and that of an atheist.[108] He further argues that, even at present, it is possible that all men who are secularists are not atheists; the "logical consequence of the acceptance of secularism" must be atheism.[109] The divergence in their thoughts is that Holyoake thinks ignoring something does not amount to denying something, whereas, to Bradlaugh, finding theological doctrines unreliable is denying them because there is no other truth besides theism and atheism. In his own words, "every idea of God is such that as a secularist I am bound to deny."[110] Additionally, Bradlaugh disregards the opprobrium cast upon the word atheism. An atheist, as also a human being deserves the same respect.[111]

Bradlaugh's stance of atheism is quite common among freethinkers of that time. Even Holyoake's own brother criticized Holyoake's approach by asking, "How can anyone not an atheist be a secularist?"[112] According to Bradlaugh, nearly all secularists sided with him in agreeing that the use of the term of secularism was reduced to nullity. Secularism is not an appropriate name for Bradlaugh and his endorsers. They deprive the name of specific meaning to counter the agitators of freethought, while showing no reason why it should be adopted by anybody else. In accordance with secularism's overreaching view of regarding secularism-related concerns as secularism, every political club is a secular organization and an exponent of secularism.[113]

3.4 Periodical Summary

Bradlaugh's critique of Holyoake's equivocality is not without reason. On account of Holyoake's narrative of secularism, the confusion between it and atheism is almost inescapable. As Holyoake admits, his accounts of secularism are already established on the conclusion of atheism, namely the unreliability of faith. It then seems that he does not leave much room for a positive argument for secularism apart from rejecting unreliable faith. The only weight Holyoake holds to maintain his distinct secularist

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[108] Ibid., 14.

[109] Ibid., 29.

[110] Ibid., 13.

[111] Ibid., 34.

[112] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of his Life and Work* (Vol. I): 336. http://www.gutenberg.org/files/45130/45130-h/45130-h.htm.

[113] Hypatia Bradlaugh Bonner and J. M. Robertson, *Charles Bradlaugh: A Record of his Life and Work* (Vol. II):142. http://www.gutenberg.org/files/45131/45131-h/45131-h.htm.

position compared to atheism is his insistence on not denying God's existence. Holyoake defends secularism as a comprehensive outlook, based on positivism and utilitarianism. It aims to answer questions ranging from nature to ethics, as a comprehensive doctrine to replace theology. What Holyoake aspires to purport is a general metaphysical theory proceeding from a general encompassing point beyond religious contestations.

However, Holyoake's idea of secularism both over- and under-reaches. Holyoake tries to characterize secularism in an all-encompassing fashion with answers for all philosophical and moral questions. That is to say, as a substitution of a worldview for theism. In that sense, Holyoake has constructed an over-reaching scheme of a secularism that is too heavily laden with contents. When it comes to its projection in moral philosophy, Holyoake's secularism also under-reaches in taking utility as the sole secular standard against which to measure moral actions, while it excludes other moral standards such, for instance, good will. Nevertheless, the significance of Holyoake's slightly crude system of secularism lies in its affirmativeness. It is not just an approach to criticize or negate theism; it delivers its own assertions and offers another option besides theism for all mankind.

In today's discussion, secularism has already evolved from an all-encompassing doctrine to an ethical creed proposing that "the best way to deal with religious differences is a morally neutral vocabulary that we all share and a morality that is not based on religion."[114] The concept of secularism we are addressing today has largely retreated from Holyoake's ambitious denotation to a certain extent, whereas it has also refined the old version as well. In my opinion, generally, there are two major retreats and one big adaption: (1) Holyoake's secularism does not argue against theological metaphysical truth because of a lack of empirical proofs to verify. Today's secularism, though not necessarily upholding a positivist stance of the truth of nature, refrains from involving itself in metaphysical discussions of theology altogether. (2) The reason that Holyoake maintains secularism as a morally correct philosophy is because he considers Mill's utilitarianism to be secularism's moral foundation, whereas today, there is no moral doctrine called "secular moral philosophy", as secularism can refer to any moral theory which accommodates utilitarianism, deontology, virtue ethics, or any eccentric moral philosophy as long as it does not include the concept of God. (3) Holyoake's secular philosophy is rather a concise and general one. With the exception of the one time he explicitly stated that "the state could not continue to exist upon Christian principles"[115], he did not, at least explicitly, make any statements about the relationship between church

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114 Paul Cliteur, *The Secular Outlook: in Defense of Moral and Political Secularism*, 3.
115 George Jacob Holyoake, *English Secularism: A Confession of Belief*. Chapter VIII. http://www.gutenberg.org/files/38104/38104-h/38104-h.htm.

and state. He does consider it and even promotes the setting of certain limits in states, but it is solely for the sake of secular education for the children. However, the secularism we are addressing today is more about the role of religion in public life. The relationship between church and state has been one of the most important debates of contemporary's secularism.

IV. Mainstream Arguments of the New Atheism: a Scientific Perspective

Bradlaugh's account of atheism, built upon the critique of the theory that posits God as a creator, including God's characteristics, definitions, and proofs, works as a negative approach against theism. As a matter of fact, Bradlaugh's atheism stance is not only common among freethinkers in the 19th century; it is also inherited by new atheists in the 21st century. The essence of contemporary atheism has not significantly altered since Bradlaugh's writing. However, the most crucial progress contemporary atheists have offered is an alternate scientific explanation of the world. They propound the view that "religion should not simply be tolerated but should be countered, criticized, and exposed by rational arguments wherever its influence arises."[116] Richard Dawkins (the author of *The God Delusion*), Christopher Hitchens (the author of *God is Not Great*), Sam Harris (the author of *The End of Faith*) and Daniel Dennett (the author of *Darwin's Dangerous Idea*) were seen as the four most prominent figures in the New Atheism movement. These new atheists, using Darwin's theory in *On the Origin of Species* as their theoretical weapon, seek to excoriate religion from scientific perspectives to illustrate the falsity of creationism and Divine creation theory. In this section, I will display their criticisms of religion by two main propositions on the questions of God's being and God's impact respectively: one, God cannot be the explanation of the world's origin and everything in the universe; second, religion in general brings about more misery than well-being to human kind.

4.1 Divine Creation Theory v. Natural Selection

Among contemporary atheists, Richard Dawkins (1941-), a British biologist, is probably one of the most prominent of this era.[117] Dawkins assembles a comprehensive attack

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[116] Simon Hooper, "The rise of the New Atheists". CNN, 16 March 2010.

[117] To my surprise, recently (approximately May, 2014), Dawkins denounces to continue calling himself atheist, but describing himself as a secular Christian, because he has a feeling for nostalgia and Christian ceremonies. See http://www.telegraph.co.uk/culture/hay-festival/10853648/Richard-Dawkins-I-am-a-secular-Christian.html.

against religion in one influential book, *The God Delusion* (2006), which is one of the most popular and accessible books advocating atheism in our age. This publication was indeed an indication of the rise of the New Atheism movement. In *The God Delusion*, Dawkins not only criticizes the arguments for God's existence; he also discusses the relationship between morality and religion. In the most general sense, Dawkins's contention is already vividly illuminated by the book's name, which claims that the whole idea of God is a delusion. Identifying himself as a scientist, Dawkins intends to debunk such a delusion by scientific arguments.

It is not the first time Dawkins wages the atheism battle against the hypothesis for the existence of a supernatural creator. Dawkins has always been a prominent critic of creationism. Admiring and taking natural selection as the only known and solution to the origin of the world, Dawkins is one of the sturdiest endorsers of Darwinism. In his previous scientific works *The Selfish Gene* (1976) and *The Extended Phenotype* (1982), Dawkins supported Darwin's natural selection hypothesis by arguing that the gene is the unit of natural selection. Moreover, Dawkins also aims to extend Darwinian natural selection to culture. In analogy with how the gene works in natural selection, in *The Selfish Gene*, Dawkins coined the term "meme" as the units of cultural inheritance which can self-replicate, disappear, and respond to variety. The meme can be transmitted from one to another consciously and unconsciously through social means. Nevertheless, Dawkins's systematic criticism of creationism, especially divine creation theory, did not start until his 1986 book *The Blind Watchmaker*. The 18th century English theologian William Paley proposed a notorious watchmaker analogy to argue for God's existence. Paley argues that, since a watch is too complicated to come into being without design, all living things in this world must also have been purposefully designed by an omnipotent Supreme Being. Dawkins's theoretical aim in *The Blind Watchmaker* is to oppose Paley's analogy.[118] Dawkins believes that natural selection theory is sufficient to explain the biological world, albeit automatically, and he continues that argument in *The God Delusion*.

Dawkins recognizes a gap between what we already know and what is still a mystery. On the one hand, science is indeed benefited by such a gap insofar as it is ignorance that drives scientists to solve more mysteries; on the other hand, once scientists fail to give an immediate and comprehensive answer, divine creation theory would try to attribute any unknown gap to God's intelligent design by default.[119] Dawkins contends the reason why he is an atheist is that "the holy book is an axiom but not the end product of a process of reasoning."[120] Instead, books about evolution are believed not because they are holy

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[118] Richard Dawkins, *The God Delusion* (Bantam Press, 2006) 372.

[119] See ibid., 125-34.

[120] Ibid., 282.

but because they "present overwhelming quantities of mutually buttressed evidence" that "any reader can go and check."[121] Despite the science lesson of the origin of the universe and life Dawkins tries to teach in *The God Delusion*, his main message in the book is that natural selection in general "not only explains the whole of life", but also "raises our consciousness to the power of science to explain how organized complexity can emerge from simple beginnings without any deliberate guidance."[122]

In *The God Delusion*, Dawkins also summarizes, examines, and refutes several philosophical arguments on God's existence, including the arguments from beauty, personal experience, scripture, admiration for religious scientists, and also Thomas Aquinas's proofs.[123] The argument from beauty is a rather romantic one, which implies that if there is no God, there is nothing that could explain the beauty of Shakespeare's sonnets or Beethoven's late quartets. Dawkins disregards this argument inasmuch as the beauty of Shakespeare's or Beethoven's works is not affected by whether God exists or not. Those works do not prove the existence of God, but only the existence of Shakespeare and Beethoven.[124] The argument from personal experience is like a double-edged sword. On the one hand, it is most convincing to those people who claim they have experienced a vision of God, and on the other hand, it is most unconvincing to anyone else, because it is purely personal.[125] The argument from scripture is only persuasive for people who are not used to asking questions about the source and veracity of the texts. Ever since the 19th century, gospels that featured Jesus's birth were already proved by theologians to be unreliable accounts of the real history.[126] Even if Jesus existed, the reliability of the New Testament as a record of history is generally doubted by reputable biblical scholars.[127] Dawkins therefore also dismisses the Bible as evidence for any kind of deity. As for the argument from esteemed religious scientists, Dawkins also deprecates it since almost every significant figure before the 19th century was religious.[128] The great French mathematician Pascal once argued that whatever "the odds against God's existence might be", we had better still believe in God due to the eternal penalty for guessing wrong.[129] Dawkins considers Pascal's argument odd, as believing is not something to decide "as a matter of policy".[130] After the 20th century, those great

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[121] See ibid.
[122] See ibid., 116.
[123] See ibid., 75-110.
[124] See ibid., 86.
[125] See ibid., 86-88.
[126] See ibid., 92-93.
[127] See ibid., 97.
[128] See ibid., 98.
[129] See ibid., 103.
[130] Ibid., 103-104.

scientists who claim to be religious use the term "religious" in a wider Einsteinian[131] sense, such as a belief in nature or the universe.

Thomas Aquinas's five proofs of God's existence are treated in much more detail than other arguments by Dawkins. Three of the five proofs of God's existence involve infinite regresses: nothing moves without a prior mover, nothing is caused by itself; therefore "there must have been something non-physical", like God, "to bring [physical things]them into existence."[132] Dawkins thinks that all three of them rely upon invoking God to terminate the infinite regress, but they also "make the entirely unwarranted assumption that God himself is immune to the regress."[133] Moreover, all the features that people normally ascribe to God are indeed self-contradictory. For example, if God is omniscient in the sense that he knows exactly how to change the world by using his omnipotence, then he cannot change again, which means he is not omnipotent after all. The fourth one is the proof from degree. For Aquinas, there are degrees in the world of goodness or perfection and there must be "a maximum to set the standard for perfection."[134] That standard must be God. Dawkins does not think it is an actual argument, for it is conspicuously insane to presume any maximum, such as the smelliest person or the shortest person, to be a God.[135] The last proof Aquinas provides is the one still used today: divine creation theory, denoting that every living thing in the world looks as though it has been designed, so there must have been a designer.[136] This theory also presumes that complex things could not have occurred randomly; therefore a designer who deliberately designs those things must exist.[137] It is the argument that Dawkins chooses to tackle emphatically with a whole chapter (Chapter Four in *The God Delusion*). Dawkins argues that Darwin's natural selection theory and similar scientific theories are superior to divine creation theory in explaining the living world and the universe.

In the fourth, and also the core chapter of *The God Delusion*, Dawkins deploys an argument of improbability to illustrate the falsity of divine creation theory. Generally, a

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[131] Ibid., 99. Dawkins (and possibly others, for instance Ronald Dworkin in his posthumous work *Religion without God* 2013) describes the non-theistic uses of the word "God" and "religion" by Albert Einstein and some other important non-religious scientists. Einstein had a profound religious or perhaps spiritual appreciation for the beauty and complexity of the universe and nature. Presumably, he placed it on a level equivalent to that of the traditional God concept. See Ronald Dworkin, *Religion without God* (Harvard University Press, 2013) 45-104.

[132] Richard Dawkins, *The God Delusion,* 77.

[133] ibid.

[134] Ibid., 79.

[135] See ibid.

[136] Ibid.

[137] See ibid.

designer God cannot be inferred to explain how complex the world is.[138] That is because if any God is capable of designing everything, he would have to be complex enough to design himself and explain that design, which eventually leads to "an infinite regress from which he cannot help us to escape."[139] Along with divine creation theory, chance theory also attempts to deploy the argument from improbability for its purpose, by assuming that biological adaptation is a question of all or nothing.[140] In that sense, natural selection theory is not a theory of chance; it is the opposite. Dawkins believes in the power of accumulation, which can be traced from natural selection. Precisely by virtue of this accumulation, the plausibility of chance theory along with divine creation theory is ruled out. Working as a cumulative process, natural selection "breaks the problem of the improbability up into small pieces".[141] While each piece is improbable to a certain extent, "large numbers of these improbable [pieces] are stacked up in series", where "the end product of the accumulation is…improbable enough to be far beyond the reach of chance."[142] Even if Darwinian natural selection theory does not suffice to explain everything, God's design hypothesis certainly does not work either, "because design is ultimately not cumulative, and it therefore raises bigger questions than it answers" about its own origin.[143] Thus, far from terminating the infinite regress, divine creation theory "aggravates it with a vengeance".[144]

4.2 Epistemic Atheist Argument: Religion Does More Harm than Good

In *The God Delusion*, Dawkins also discusses the relationship between religion and morality and what is the matter with religion. He explains that his hostility toward religion is because strong religious faith tends to result in religious absolutism and also helps to produce a force for evil in the world.[145] For example, blasphemy, one of the fiercest penalties in the Bible, still exists and exerts its force in some countries (including Iceland, which might come as a surprise to many[146]). Religious absolutism also lays the groundwork for fostering a more restrictive moral code which condemns distribution of

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[138] Ibid., 109.

[139] See ibid.

[140] Ibid., 122.

[141] Ibid., 121.

[142] Ibid.

[143] Ibid., 141.

[144] Ibid., 120.

[145] See ibid., 286.

[146] See from *The Freedom of Thought Report 2014: A Global Report on Discrimination Against Humanists, Atheists, and the Non-religious; Their Human Rights and Legal Status* (International Humanist and Ethical Union, 2014) 436.

pornography and views some sexual activities as criminal offences: for instance, homosexuality.[147] Even the usage of condoms in sexual activities is seen as unnatural and thus frowned upon by Christianity. More seriously, in light of the terrorist attacks in prosperous and liberal lands, religions, even the moderate ones, "help to provide the climate of faith in which extremism naturally flourishes."[148] In comparison with patriotic love of country or the sense of glory of ethnic groups, religious faith "is an especially potent silencer of rational calculation, which usually seems to trump all others."[149] And only religious faith is a strong enough force to induce an unreasonable craziness in ordinary people.[150] Dawkins reckons that it is "because of the easy and beguiling promise that death is not the end, and that a martyr's heaven is especially glorious."[151] Plus, the discouragement of questioning and the quest for knowledge is religion's very nature, since both Christianity and Islam teach children that it is virtuous to not question faith.[152]

Dawkins is certainly not alone in this battle against possibly the most potent delusion, namely the idea of God. One year after the publication of *The God Delusion*, the late, celebrated British author, prominent atheist, and critic of religion, Christopher Hitchens (1949-2011) published another significant book critical of religion with a forthright title: *God is Not Great: How Religion Poisons Everything* (2007). Hitchens often publicly spoke against the Abrahamic religions and considered them to be the axis of evil. This book further fortified his reputation as a major advocate of the New Atheism movement. Hitchens welcomed any invitation from religious leaders who wished to debate him. He was not afraid of controversies and openly criticized public figures like Mother Teresa, Bill Clinton, Henry Kissinger, and Pope Benedict XVI, including his own brother, a conservative Christian journalist, Peter Hitchens.[153] Particularly, he had a series of written debates on the question "Is Christianity Good for the World?" with Christian theologian and Pastor Douglas Wilson in 2007, which became a book with the same title in 2008.[154] In 2010, Hitchens debated the former British Prime Minister Tony Blair about whether religion is a force for good, and he won the debate by a 68 percent majority according to the website of the debate.[155] Differing from some atheists, Hitchens is not satisfied to be merely identified as an atheist; rather he called himself an antitheist. He did

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147 Richard Dawkins, *The God Delusion,* 289-290.

148 Ibid., 303.

149 Ibid., 306.

150 See ibid., 303.

151 Ibid., 306.

152 See ibid.

153 See https://en.wikipedia.org/wiki/Christopher_Hitchens.

154 See http://www.christianitytoday.com/ct/2007/mayweb-only/119-12.0.html.

155   See   https://www.youtube.com/watch?v=XK4O-3aoRww.   And http://www.munkdebates.com/debates/religion.

this because an atheist can be someone who could still "wish belief in God were correct, but an antitheist would be relieved that there is no evidence for any belief in God."[156] Hitchens admitted that his final goal was to eradicate religion because ultimately religion is incapable of leaving atheists alone.

Generally, from the aspects of religion's unreliability in its source and its immorality in its influence on humankind, Hitchens lists four irreducible objections to religious faith:

> "(1) [I]t wholly misrepresents the origins of man and the cosmos; (2) because of this original error, it manages to combine the maximum of servility with the maximum of solipsism; (3) it is both the result and the cause of dangerous sexual repression; and (4) it is ultimately grounded on wish-thinking."[157]

As the name of the book illustrates, it is mainly a collection of criticisms with regard to the negative repercussions of religion on people or the world. Both of Dawkins's and Hitchens's works address the issue of God's existence and how religion does more harm than good in human history. While Dawkins's core arguments focus on the former part, God's existence, Hitchens takes more time to explicate religion's murky side.

In addition to the harms brought by religion presented by Dawkins, Hitchens also particularly lists the damage done to children by religion. Such as, children had their psychological minds and physical lives eternally hurt being nonvoluntarily exposed to religion, not to mention circumcision and a fear of healthy sexual activities.[158] According to Hitchens, if not severely damaging, religion at least does not assist to make people behave better or feel more peaceful. In some of the most famous battles against fanaticism or the violation of human civilization, e.g., slavery in United States and the Second World War, he thinks that non-religious people fought for moral causes with as much vigor and effect as religious advocates.[159] In his view, the argument that "religious belief improves people, or that it helps to civilize society, is one that people tend to bring up when they have exhausted the rest of their case."[160]

According to Hitchens, religion poisons everything. Moreover, he believes that religion is also sinful in itself. Religion is sinful in its very infancy; the texts of religious scriptures are full of inconsistencies, contradictions, and even plagiarisms; the precepts of religion are plainly immoral.[161] He aims his critiques at all religions, ranging from the

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[156] See https://en.wikipedia.org/wiki/Christopher_Hitchens.

[157] Christopher Hitchens, *God Is Not Great: How Religion Poisons Everything* (Allen& Unwin, 2007) 4.

[158] See ibid., 217-28.

[159] See Ibid., 173-184.

[160] Ibid., 184.

[161] See ibid., 123-133.

Abrahamic religions to Hinduism and Islam. He depicts them as "violent, irrational, and intolerant"[162], with abundant support from his personal anecdotes, historical documents, and semantic analysis of religious scriptures such as the Bible and the Koran.[163] For starters, Hitchens says that religion's beginnings were spearheaded by corrupt and immoral individuals.[164] Citing from a New York court examination, Hitchens regards the founder of Mormonism, Joseph Smith, as "a disorderly person and an impostor" who defrauded people.[165] Hitchens depicts the Old Testament as a "nightmare", as there are innumerable "anachronisms", inconsistences, "dreams", "astrology", and even "genocidal incitements" in the Old Testament.[166] At different times and places, huge discrepancies in prophets or mediums occur. Most notably in Christianity, one prophet or revelation is not sufficient and needs to be reinforced by others. Hitchens points out that they are "hopelessly inconsistent" and cannot be true at the same time.[167] Likewise, the New Testament, "full of star-predictions and witch doctors and sorcerers"[168], is also a work of "crude carpentry, hammered together long after its purported events".[169] For instance, the questionable existence of Jesus calls for improvised attempts to make out a good case for the contradictions within it. Hitchens points out that many of the sayings and deeds of Jesus in the New Testament are innocuous; "many are unintelligible and show a belief in magic", overflowing with absurdities and primitive attitudes; while many are plainly immoral.[170] For instance, to Hitchens, Islam is a composition of contents borrowed from other religious sources, such as Christianity and Judaism.[171] Not only both doubtful and flawed in terms of textual sources, religion is also positively immoral. The immorality lies in its original precepts, including "presenting a false picture of the world to the innocent and the credulous"; praising sacrifice, which results in bloodshed; propagandizing "doctrines of atonement and eternal punishments or rewards"; and "the imposition of impossible tasks".[172]

Hitchens almost spends the entire book discussing the abhorrent side of religion, but he does not omit the potential arguments of the opposition. What about those religious leaders "who protested in the name of religion and who tried to stand athwart

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[162] Ibid., 56.

[163] See ibid., 123-137.

[164] See ibid., 155-68.

[165] Ibid., 161.

[166] See ibid., 97-107.

[167] Ibid., 97.

[168] Ibid., 117.

[169] Ibid., 110.

[170] See ibid., 117-118.

[171] See ibid., 123.

[172] Ibid., 205.

the rising tide of fanaticism and the cult of death"[173] in human history? As for those cases, Hitchens takes them as a tribute paid to humanism rather than to religion. It is the humanist spirit embedded in them as human beings that inspires their bravery and integrity, which is irrelevant to their religions.

V.   Why Atheism Is Not Appealing

Atheism is an indispensable description of people who do not believe in the existence of God. Nevertheless it gains some misleading popularity in political philosophy. In my view, the appeal of atheism lies in its completeness, thoroughness, and robustness. First of all, some atheists and most believers tend to confuse their personal religious beliefs with the understanding of religion's place in the political arena. For most believers, asserting God's existence amounts to taking God as the only truth, moral and epistemological, of the world. Therefore, correctly following God's guidance is certainly required in political philosophy as well. Likewise, in denying God's existence, some atheists also negate the whole idea of religion. After all, for atheists, what is the reason to build and organize society according to a false philosophy? Secondly, no matter what the reasons are, both secularism and atheism ask to separate religion from state authority, while atheism seems more tempting, considering its theoretical virtue of thoroughness. The third charm of atheism could, oddly enough, be associated with the resurgence of religious fundamentalism in the past two to three decades. A disturbing identification of religion as the root of the growing religious extremist violence has gradually gained sympathy in the contemporary world. Against such a backdrop, the rigid stance of atheism appears more attractive than in any other time. Those violent atrocities have deviously transferred the focus of people's indignation from extremist violence to religion *per se*. It might trigger this idea that religion resulted in those tragedies so that the idea of rejecting religion at least invites some serious consideration.

However, the appeal of atheism nevertheless stems from three corresponding deficiencies, which also demonstrate the core disparities between atheism and secularism. Departing from the purpose of disclosing the ontological absurdity of theology, atheist arguments backed by Darwinian natural selection theory suffer from a philosophical naiveté. They presume an either-or binary opposition of religion and science. The underlying assumption is that once the delusion of religion is exposed, we would embrace a naturalistic, evidence-based mode of thinking that could be applied to both the natural world and our moral compass. Such a philosophical presumption of atheism

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[173] Ibid., 27.

derives from an underlying kind of thinking that resembles that of religious adherents. In order to rebut theological contentions thoroughly, atheism adopts the same point of view that religious adherents adopt, which is also rejected by secularism. Religious adherents take God's existence as both an epistemic foundation and a value foundation, so that the ethical creed is established on the premise of God being the creator of everything in the world.[174] That logic leaves atheists no option but to directly debunk the assumption of God as the creator of the world. But the justification for secularism is made from a general and morally neutral perspective. Additionally, there is a persistent myth of secularism, which is also explicitly expressed by Bradlaugh, that secularism is a soft version or an intermediate phase toward atheism.

5.1 Religion and Science Are Not Necessarily Mutually Exclusive

There is one widely recognized assumption that is also an argumentative strategy embedded in atheistic arguments. In order to destroy the epistemic foundation of belief in God, the rejection of any belief in God's existence is prerequisite. As I have previously shown, Dawkins also holds such an assumption in both of *The Blind Watchmaker* and *The God Delusion*. He mainly objects to taking the God hypothesis as the final explanation of the universe. In the core chapter of *The God Delusion*, Dawkins sets up a binary opposition between the God hypothesis and physicalist naturalism in terms of the explanation for everything in the universe. Thomas Nagel points out that Dawkins's binary does not exhaust every possibility, so that even if we reject religion, we do not have to embrace a naturalistic explanation for the world.[175]

In *The God Delusion*, on the question of "what explains the existence and character of the astounding natural order we can observe in the universe,"[176] Dawkins cautiously sets out his position by displaying two alternatives: the divine creation hypothesis and natural selection theory. As previously illustrated, in refuting the view of "a superhuman intelligence who deliberately designed and created the universe and everything in it,"[177] Dawkins, who believes in the accumulation, holds that "the possibility of any creative intelligence of sufficient complexity to design anything only comes into existence as the end product of an extended process of gradual evolution."[178] Dawkins thinks the ultimate explanation of everything lies in the law of physics.

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[174] See Steven D. Smith, "Is God Irrelevant?," in *Boston University Law Review* 94(2014):1341.

[175] See Thomas Nagel, *Secular Philosophy and the Religious Temperament* (Oxford University Press, 2010) 19-26.

[176] Ibid., 20.

[177] Ibid.

[178] See ibid.

Nevertheless, Nagel indicates that neither the God hypothesis nor Dawkins's physicalist naturalism offers an ultimate explanation for everything. It is not necessarily the case that, if we reject the one explanation, we automatically embrace the other. The binary opposition between religion and science that Dawkins reveals is not necessarily a real opposition. Nagel suggests that the real opposition between Dawkins's physicalist naturalism and the God hypothesis is about whether the world is purely "physical, extensional and purposeless", or whether it is "mental, intentional and purposive".[179] But as Nagel put it, "the God hypothesis does not explain the existence of God, while naturalistic physicalism does not explain the laws of physics."[180] The point of the God hypothesis is to claim that not all explanation is physical, and that there is a mental, purposive or intentional explanation more fundamental than the basic laws of physics.[181] Nagel points out that the key omission here is that Dawkins's dialectic leaves out another possibility, which is the teleological principle in nature. It is more or less the Aristotelian view, which is explained neither by "intentional design nor by purposeless physical causation."[182] Fundamentally, there is more than one form of understanding to account for different genres of subjects.[183]

In *The God Delusion,* Dawkins's contempt for Aquinas's fourth argument, the one claiming that God is the maximum to establish the standard for perfection, precisely reflects this critical mistake. Dawkins overlooks the difference between moral calibration and empirical comparison, namely the difference between how we evaluate what is morally good or bad and how we determine the comparison result of empirical facts. Aquinas's fourth proof from degree is an argument based *only* on what is crucial for our moral thinking, whereas Dawkins's rebuttal misses the point by applying the argument to both the world of moral evaluation and that of empirical comparison. The possibility that Dawkins's propaganda for physicalist naturalism might severely damage our moral thinking worries Nagel. Nagel worries that if we follow Dawkins's line of thinking, then

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[179] Ibid, 23. It is worthwhile to be careful that the extension of a sentence or expression is usually contrasted with the intension, not with the intention: intensionality and intentionality are not identical terms. Extensionality is the reference to the state of affairs of a sentence in the world "out there", while intensionality is a particular mode in which this state of affairs is presented. Intentionality refers to the general directedness of language towards something outside itself; according to John Searle, this is the product of the general directness of the human mind toward the world. The intensionality-extensionality distinction derives from German philosopher Friedrich Ludwig Gottlob Frege, while the term intentionality derives from German philosopher Edmund Husserl. I thank Arie-Jan Kwak for pointing out this to me.

[180] Ibid.

[181] Ibid.

[182] Ibid.

[183] Ibid., 26.

"moral reasoning, introspection, or conceptual analysis as ways of discovering the truth" would be dismissed merely because they are not physics.[184] It is understandable, especially against the contemporary backdrop of rampant religious extremist violence, that many intellectuals, including Dawkins, are horrified by the dreadful things that continue to be done by religion.[185] However, the dangers of both blind faith and the authority of dogma do not imply that "we can make ultimate sense of the world only by understanding it as the expression of mind or purpose."[186]

From the perspective of some religious believers, religion and science are also not necessarily mutually exclusive. Some religious believers, especially Christians, do accept Darwin's theory of evolution by natural selection as a scientific explanation of lives on earth, because above all, Genesis is not scientific material that counts as factual documentation. Some Christians tend to extend their understanding of their scripture beyond its literal meaning to a deeper meaning, otherwise there will be no room for any theological reflection at all. According to Alvin Plantinga, there is no genuine or "superficial conflict but deep concord between science and theistic religion". [187] Theologians and scientists occupy different territories, and theologians do not seek dominance on scientific matters, so nor should scientists. The real conflict, however, is between "theistic religion and a philosophical gloss…to the scientific doctrine of evolution", which is claimed as "undirected, unguided, and not orchestrated by God".[188]

As one of the most militant atheists of our age, Dawkins does understand the key difference between atheism and secularism completely. In recollecting the history of American religion, Dawkins indicates that America, one of the most religious nations in the world, was actually built upon a secular republican tradition. No matter what those founding fathers' personal religious views were, the one identity they shared was secularist: they believed in keeping religion out of politics.[189] Jacques Berlinerblau also suggests that "the secular vision was bred by religious thinkers, such as Martin Luther, John Locke, Thomas Jefferson, and James Madison… Throughout American history, it has been religious groups like Baptists, Jews, progressive Catholics, as well as countless smaller religious minorities who have championed secular political ideas."[190] But religious

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[184] Ibid.

[185] Ibid.

[186] See ibid., 26.

[187] Alvin Plantinga, *Where the Conflict Really Lies: Science, Religion, and Naturalism* (Oxford University Press, 2011) ix.

[188] Ibid., xiii.

[189] See Richard Dawkins, *The God Delusion* (Bantam Press, 2006) 39-40.

[190] Jacques Berlinerblau, "Secularism Is Not Atheism," in The Huffington Post, 09/27/2012.

believers, even moderate ones, are extremely vigilant of the claim of atheism.[191] Precisely because Dawkins does understand what it means to be a secularist, his attacks on theism and religion in *The God Delusion* are particularly based on his atheism. He claims to be a secularist as well, but if he wants to defend secularism, he needs a different book to do that. It is evident that Hitchens also grasps the key difference when he uses the expression like "…secular Christians and Jews, and many atheist and agnostic militants of…"[192] Hitchens is perfectly aware that there is no necessary connection between being secular and being an atheist. It is perfectly compatible to be secular and religious simultaneously. If we misidentify Hitchens's arguments as arguments for secularism, then we are falling straight into the trap of "soft" atheism.

5.2 The Myth of Secularism Being a "Soft" Atheism

There is a popular myth surrounding the relationship between secularism and atheism. It claims that secularism is too moderate a strategy to cope with the potential dangers brought by religious extremism, and secularism will evolve into atheism eventually. Such a myth stems from a tacitly cognized assertion that religion is negative, troublesome, and potentially wedded to paranoid violence. Would the world be a better place if one day there were no religion anymore? Both Dawkins and Hitchens pinpoint the answer to such a question by spending plenty of ink in expounding the harms religion has already done to the world and humanity. Is that necessarily so? At least the safest thing to say is that it is a complex question. If Dawkins, Hitchens, or other atheists can illustrate the harmful or the evil side of religion by abundant historical instances, contemporary recurring tragedies, or vivid personal experiences, John Finnis, John Hare, and even Jeremy Waldron can enumerate correspondent or even more numerous examples of the uplifting and inspiring side of religion as well.[193] For example, Hitchens mentioned that the tribute paid to those "priests and bishops and rabbis and imams who have put humanity ahead of their own sect or creed is a tribute paid to humanism, not to religion."[194] By the same token, is it not also possible to say that the condemnation and

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[191] Ibid.

[192] Christopher Hitchens, *God Is Not Great: How Religion Poisons Everything*, 251-252. However, at least from what is expressed in *God Is Not Great,* Hitchens is unlikely to be identified as a secularist as he views religion as poison and hopes for an end of faith, whereas secularism supports religious liberty and holds nothing against religion.

[193] For instance, see John Finnis, "Does Free Exercise of Religion Deserve Constitutional Mention?" in *The American Journal of Jurisprudence* 54(2009): 41-66. John Hare, *God and Morality: A Philosophical History* (Wiley-Blackwell, 2009). Jeremy Waldron, "Religious Contribution in Public Deliberation", *San Diego Law Review* 30 (1993): 817-848.

[194] Ibid., 27.

indignation we feel with regard to those religious fundamentalists who commit terrorist attacks should be attributed to the intolerance, bigotry, inferiority, stupidity, or just the dark corner hidden inside human nature instead of religion? Would it not be like throwing the baby out with the bath water to reject the whole idea of religion when encountering religious violence? Either way, it is too hasty to determine that religion is the obsolete, evil source of human problems which ought to be sifted out.

More importantly, unlike atheism, secularism does not require a rejection of the concept of God to be a morally correct philosophy; rather, it holds an independent position from the metaphysical discussions of religion so that the validity of secularism will stand still irrespective of our value judgment of religion.

This discussion highlights the significant distinction between the concept of atheism and the concept of secularism I made at the outset of this chapter. Secularism is not concerned with religion *per se*, but is concerned about religion's position in the public and political arena. Confronting religious extremist terrorism, secularism has prescribed a more mature and stable prescription which does not involve rejecting, denouncing, or praising religion. Atheism and secularism just launch their claims from different discourses, while atheism is an assertion of metaphysics of religion; secularism belongs to normative ethics and political discourse. Atheism declares the falsity of deity's existence along with any belief in such a deity, whereas secularism makes no such claim so that it can coexist with even the most sincere religious beliefs. While atheism entails a rejection of belief in God, secularism does not necessarily call for such a rejection. Atheism is neither the precondition nor the future direction of secularism.

5.3 Particular and General Points of View

As previously mentioned, almost all of the atheists' arguments to some extent depart from a believer's perspective. For a religious believer, the belief in a deity's existence determines his outlook on moral duties, ethical values, and conceptions of what is good. Theism, especially monotheism, professes theological doctrines as the only truth of the world. Hence, for atheists such as Bradlaugh, in order to render secular truths and values available, the sham of theology's metaphysics must be penetrated. It is also what Dawkins and Hitchens purport to do in their works. To atheism, if the false ontological assertion of religion, namely God's existence, cannot be exposed, then other fallacies of theology, especially those concerning morality, cannot be revealed either. The opponent, or rather the critic of theism concedes that atheism has to object to every aspect of theism. Atheism is thus unfortunately susceptible to being a negative doctrine, incapable of proposing positive dogmas for itself. It is unreasonable and unnecessary to think that

one must refute the metaphysical arguments of theism in order to resist the normative ethical arguments thereof. The ultimate validity of atheistic arguments lies in whether a God exists in the world, which is not secularism's concern.

Unlike atheistic and theistic arguments, secularism does not particularly take religious believers' perspective into account. In answering to which justified principles could be the basis of general agreement, as I am going to propose in this book, secularism is the principle that should govern the relation between religion and state that no one could reasonably reject. Secularism stands on a general and political viewpoint that both religious adherents and atheists are expected to support for the sake of a stable life in a political system. Therefore it is the only perspective under which people of different religious persuasions can live together. I'll come back to this point in more detail in the next chapter.

I can summarize the three deficiencies of atheist arguments as follows. First of all, when atheism reveals the mistaken foundation of theology by exposing its ontological unintelligibility, it also suffers from an oversimplified philosophical assertion of the binary opposition between naturalism and the God hypothesis. Secondly, the myth of viewing secularism as a phase toward atheism overlooks the distinction between secularism as a comprehensive doctrine of religion and secularism as a political doctrine. Secularism as a political doctrine is indeed independent from metaphysical discussions about religion and thus does not, and does not have to, reject religion. Thirdly, atheism as a theory intended to oppose theism occupies the same viewpoint as religious adherents do, so that it fails to provide a general basis agreed on by most reasonable people. Contrariwise, secularism, which departs from a general political point, could be supported by people of different religious backgrounds.

From the summary above, the implausibility of atheism is clearly shown. At the same time, the key discrepancies between secularism and atheism are also exposed. The fundamental conceptual distinction between the two concepts lies in the divergence of the questions they address. Atheism answers questions regarding the substantive view of religion. Atheism disclaims the existence of God, or any conception of God, and thus denounces faith as a basis for belief. Secularism addresses the relationship between religion and state authority in political discourse and does not engage in any substantive discussions of religion. Moreover, secularism does not imply negative or hostile attitudes toward religion. Admittedly, in the contemporary world, support for atheism and secularism tends to overlap. Commonly, when someone states her idea of secularism both as an ethical notion and a political vision, she intertwines such a claim with a disavowal of God or religion. The illusion of secularism as a moderate form of atheism, or of atheism as a final destiny of secularism stems from such an unreflective, but

nonetheless prevalent attitude. However, when someone states her indignation about religion while at the same time advocating for secularism, we need to carefully identify two distinctive attitudes here: the attitude of atheism when she addresses her disbelief in religion; the attitude of secularism when she argues that religion should be separated from the state. It is one thing to reject a belief in a certain God, another to disapprove of the connection of politics and religion. The former rejection is the rejection of the ontological presupposition of God's existence and religion itself, whereas the latter, the characterization of secularism, is a rejection of certain institutional arrangements in political systems.

VI. Concluding Remarks

This book is dedicated to justifying secularism. Before commencing to defend secularism, it is vitally important to draw a preliminary distinction between secularism as a political principle and secularism as a comprehensive view of religion, which is actually a view of atheism. Two reasons account for why I restrict my defense of secularism to secularism as a political concept instead of undertaking a comprehensive project. The previous discussion in this chapter explains the first reason.

Secularism can refer broadly to a range of worldviews and ideologies concerning religion. A lack of analytic distinction would confuse secularism with some other related concepts, such as atheism, agnosticism, secularization, etc. Especially secularism in the sense of characterizing religion as an outdated, obsolete, and irrational ideology has led to a dubious equation of secularism and atheism. If we retrieve the elucidation of secularism from Holyoake's writings, which treats secularism as a comprehensive replacement of religion, we will find the skeptical confusion of secularism and atheism understandable. But many contemporary influential critiques of secularism are also mistakenly made from the perspective of taking secularism as an atheistic and antireligious worldview. Atheism has its appeal. However, it is also severely theoretically defective. In contrast with atheism, the secularism I am about to defend in this book is a political concept. The secularism I am about to defend does not engage in metaphysical exploration of theological claims, nor does it hold any hostile views against religion. It is certainly possible that people can be morally or politically inspired by religious ideas; what I am rejecting is simply the notion of religion as the basis of politics.[195]

The second reason why I am defending secularism as a political concept is associated with how we view political philosophy. If we identify political philosophy as

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[195] See Paul Cliteur, "A Secular Critique of Religious Ethics and Politics," in *The Oxford Handbook of Secularism* (Phil Zuckerman and John R. Shook ed., Oxford University Press, 2017) 390-391.

part of moral philosophy, then its aim is to lay out the moral principles of an ideal society. However, as I will argue in the next chapter, the social fact of reasonable disagreement determines that there is a certain distance between morally just principles and the principles which can be legitimately forced on citizens.

Chapter Two: Secularism as a Political Doctrine

I. Introduction

The discussion of this chapter derives from the danger posed by the present political situation. Increasingly, violence is used in the name of religion, and one of the most precious virtues of liberalism—toleration—has been severely provoked. Besides this, religious and ethical disagreements about right and wrong have aggravated social divisions. Especially in the past decades, the rise of political multiculturalism has highlighted the challenge religious disagreements have posed to our communal political life. Even for citizens who live in the same nation, their deeply irreconcilable religious and moral disagreements still prevent them from shaping and sustaining a just and stable political life together. It is rather difficult to find shared ideals and principles that are upheld by all reasonable citizens on the basis of their comprehensive doctrines. This chapter is therefore going to consider a recurrent problem in our contemporary political life: how can free and equal citizens, deeply divided by conflicting religious disagreements, live together and endorse the same political principles of a constitutional democratic regime?[1]

My answer is that secularism as a political doctrine consisting of liberty of conscience and the separation of state and religion can be presented as the best candidate to solve the recurrent problem. By solving this problem, secularism does not aim or suffice to replace any comprehensive doctrine. Rather, secularism aims to serve as a publicly justified political conception, generally acceptable to all citizens on the fundamental political issue of state and religion. In other words, my aim is to defend the political legitimacy of the principle of secularism.

There are two general problems obstructing my defense of secularism. The first problem (P1) is the one brought about by "the fact of reasonable pluralism".[2] In a democratic society, reasonable citizens are profoundly divided by their disagreements on comprehensive doctrines as a result of the normal exercise of human reason.[3] Therefore, it is impossible for reasonable citizens to agree on any comprehensive doctrine. Consequently, a political principle defended from the perspective of comprehensive doctrines cannot be justifiably forced upon all citizens. The other problem (P2) is the

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[1] This is the question that John Rawls formulates in *Political Liberalism*: "How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical and moral doctrines?" See John Rawls, *Political Liberalism* (Columbia University Press, 1996) xxxix.

[2] This concept was first brought out by John Rawls in *Political Liberalism*, XIX.

[3] See ibid., xviii, xxvi, 3, 37, etc.

indeterminacy in understanding secularism. Secularism, especially the principle of the separation of state and religion (Thesis S) is subjected to four interpretations and we need to be sure which interpretation is the most tenable one. The first one (Thesis S1) understands the separation in the broadest sense as a non-establishment of state religion principle. The second (Thesis S2) considers the separation as an attitude of non-favoring on the part of the state. That is to say, states should remain neutral when it comes to religions. Two further theses depart from the second interpretation. One (Thesis S2') advocates a state neutrality principle which encourages accommodating all comprehensive (including religious) doctrines in the public discourse. In this thesis, the separation of state and religion is at most institutional, while the involvement of religion in public discussions ought not to be restrained. The other one (Thesis S3) is the narrowest one; it interprets the principle as excluding religious reasons from the public discourse. A complete argument for secularism thus needs to accommodate the problem brought by reasonable pluralism, as well as explicitly select a variation of the separation of state and religion.

Due to the first problem produced by reasonable pluralism[4], any comprehensive or moral justification for secularism is likely to prove too contentious. Hence we cannot come to a public justification for this principle in a democratic society by a comprehensive approach. In light of John Rawls's advancement of the project of political liberalism, I will argue that a successful defense of secularism calls for a political turn. Political liberalism shifts the focus from a philosophical conception of justice, formulated abstractly and meant to be applied universally, to a practical conception of political legitimacy. A political justification avoids engaging in discussions about comprehensive doctrines. Thus, we hope to uncover a public basis of political conceptions by means of a political approach which forsakes wading into religion and philosophy's profoundest controversies. However, a political approach for justifying secularism itself has no answer to the second problem, namely, which variation of the separation of state and religion ought to be endorsed. I will introduce three more justifications espousing different versions of Thesis S to try to find the most defensible justification for the most tenable thesis.

Specifically, in Section II, I will first clarify my argumentative purpose and present the variations of the separation of state and religion. I will also try to show how the principle of secularism can be defended from the perspective of a comprehensive approach and its two subsequent problems (P1& P2). The problem of reasonable

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[4] I have to emphasize that the fact of reasonable pluralism *itself* is not a problem. The problem is what reasonable pluralism leads to, namely, the illegitimate forcing of a political principle upon all citizens.

pluralism (P1) fundamentally prompts a political approach to justifying secularism. As a result, I will explain the political approach to a public justification in Section III. In Section IV, the political justification of the less controversial part of secularism, liberty of conscience, will be given. In Section V and VI, I will discuss the two traditional solutions to the problem of determining Thesis S (P2), which are both unsuccessful. Specifically, in Section V, I will discuss how liberty of conscience essentially leads to Thesis S1 and Thesis S1's shortcomings. In Section VI, I will try to present how Thesis S is supported as Thesis S2 in the form of the state neutrality principle and its deficiencies as well.

II. Problems Revealed in Comprehensive Justification for Secularism

2.1 Preliminary Demarcations on Justification, Legitimacy and Coercion

My central purpose in this chapter is to provide a public justification for secularism as a constitutional principle in democratic regimes. In order to provide a political principle with legitimacy or to achieve its public justification, there are generally two approaches. One, the comprehensive approach, posits that the principle can be forced upon citizens because it is morally true (regardless of whether citizens accept it). Two, as Rawls develops into a project of political liberalism; we can argue that such a principle can be publically endorsed by the majority of citizens of a democratic state, which is a political approach. I argue that the comprehensive approach is implausible in a democratic regime. In a democratic regime, if citizens cannot agree on or persuade each other that his or her comprehensive doctrines are the only true ones, it is unreasonable and wrong to use state power to coerce those who have disagreed.[5] Instead, we should aim for a publically justified basis that is endorsed by a majority of a state's citizens for a political principle to be applied coercively. Namely, my argumentative goal is to uncover a public justification that is politically sound for the legitimacy of a political principle such as secularism. For a political principle such as secularism to be legitimate, its coercion has to be widely endorsed by or justified to a majority of the citizens.

As my readers probably have already noticed, I have recognized a political conception's legitimacy as what justifies coercive power. Taking legitimacy as what justifies the permissible use of coercive power is not the only interpretation of legitimacy though. There are two other dominant ways of understanding political legitimacy. One is to relate it to moral justification of a political authority, while the other is to see it as the

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[5] John Rawls, *Political Liberalism,* 138.

element that creates political obligations.[6] The reasons behind each understanding are variously intricate. Nevertheless, for my purpose, I only have to make it clear that, although it is not the only way of interpreting political legitimacy, when I address a political principle's legitimacy I am discussing its justification for permissible coercion.[7]

2.2 The Principle of the Separation of State and Religion: Four Theses

In my view, secularism as a political principle consists of liberty of conscience and the separation of state and religion. In defending secularism's legitimacy, we need to be sure of what kind of secularism is legitimate, since the principle of secularism, especially the separation of state and religion, can be understood differently. For example, should the separation be understood and applied as a rigid separation, opposed to any mingling of the government and religious activities? Or should it be interpreted more mildly, as a system in which the government sponsors or supports religious organizations and nonreligious organizations on a neutral basis? Should religious reasons be equally incorporated into the public justification for a democratic system? Or should they be excluded from public justification? I argue that there are four versions of this principle, and all these four variations surround the different interpretations of "separation". Before unfolding these four interpretations of this principle, I need to briefly explain the limitations and reservations in addressing the concepts of "state" and "religion" respectively.

The concept and extension of "state" are somewhat inclusive and vague. However, it is enough for now that we determine the "state" to be the institutional arrangements of a state. The interpretation of religion is more precarious, and the disagreements about what counts as religion are legally significant. It is unlikely that we will find an uncontroversial definition of religion. Nonetheless, the difficulty in defining religion is not a fatal problem for understanding what religion is in terms of the principle. And we do not need to undertake a case-by-case study to determine the extension of religion. Reference to "religion" in constitutional documents are understood by most people as "pointing to institutionally organized churches or other groups worshipping some form of god" that prescribes practice, rituals, norms, beliefs, and actions.[8] Identifying the core elements of "religion" regarding state-religion issues (for instance, "forbidding the

[6] Peter, Fabienne, "Political Legitimacy", *The Stanford Encyclopedia of Philosophy* (Summer 2017 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2017/entries/legitimacy/>.

[7] Apart from Rawls in *PL*, this way of understanding is also taken on by, for instance, Allen Buchanan, "Political Legitimacy and Democracy", in *Ethics* 112(2002):689-719. Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge University Press, 2012) 136.

[8] Ronald Dworkin, *Religion without God* (Harvard University Press, 2013) 107.

government to declare any official state religion, supporting one religion or all religions through subsidies or other special privileges, permitting legal constraints that assume one religion is preferable to others, or stating that religion is preferable to non-religion") is usually possible given our understanding of uncontroversial cases.[9] Robert Audi believes it is generally better to extend the application of the term religion than have too restrictive a definition.[10] Nevertheless, two negative demarcations should be drawn and their pertinence in constitutional cases will be illustrated later. First, "a moral outlook on life", no matter how "reverently held, is not sufficient for its possessor being religious" in terms of this principle.[11] Second, holding a view religiously does not imply that the view counts as a religion or that the person who holds the view is a religious person.[12] For instance, as the greatest tennis player of all time, Roger Federer is often claimed to be tennis fans' "God" or watching him play to be a "religious experience",[13] but no one will seriously consider Federer as a "God" or his tennis as a religion, legally speaking. When the legal definitions of "state" and "religion" are done, the major task of defining the principle of separation can begin.

Mainly, the principle of the separation of state and religion has four interpretations in terms of its scope of separation. The widest interpretation is simply to understand the separation of state and religion as the non-establishment of a state religion. As for exactly what type of approach or attitude the state should uphold toward religion or religions, or what role religion plays in political life, this broadest non-establishment interpretation has no preference. It could be either way. It is exactly why the first interpretation is the broadest one, as it only asks for no state religion. The second interpretation is less broad than the first interpretation, which understands the separation as an attitude of non-favoring from the state. Namely, for the purpose of manifesting the separation of state and religion, the state should refrain from adopting any favorable position toward any religion. That is to say, the state ought to stay neutral among all religions. Being neutral, however, implies two types of attitudes. One is to unbiasedly incorporate religious reason into the public basis of justification, and the other is to exclude it from the public justification. In both cases, the state sustains its neutrality among all religions. The last interpretation is the narrowest one. It claims that the

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[9] Ibid., 106. Although defining religion is always a big problem in the judgment of freedom of religion, as I've emphasized in Chapter One, only theistic religions are qualified as "religion" legal-wise.

[10] Robert Audi, "The Separation of Church and State and the Obligations of Citizenship," *Philosophy & Public Affairs* 18(1989): 273

[11] Ibid.

[12] Ibid.

[13] David Foster Wallace, "Roger Federer as Religious Experience," *New York Times*, 20/08/2006.

neutrality among all religions is not accurate either. Rather, the separation of state and religion means that the state needs to exclude religious reasons from political affairs. I will name the principle of separation of state and religion in general Thesis S, while naming the broadest interpretation Thesis S1, the neutrality claims Thesis S2, the all-inclusive-neutrality principle Thesis S2', and the narrowest version Thesis S3. All four these theses can claim various supportive grounds in judicial decisions and legislation. One of the difficulties of our task is to make sure which form is the most tenable variation of Thesis S. The forms of these theses are shown as:

　　　Thesis S: There should be a separation of state and religion.

The four variations of Thesis S are listed from the broadest variation to the narrowest one as the chart shows:[14]

Thesis S2'
(Impartial incorporation of all religions)

Thesis S2
(Neutrality among religions)　　Thesis S3

Thesis S1　　　　　　　　　　(Exclusion of religious reasons in public discourse)
(Non-establishment)

Thesis S1'
(No neutrality, just no state religion)
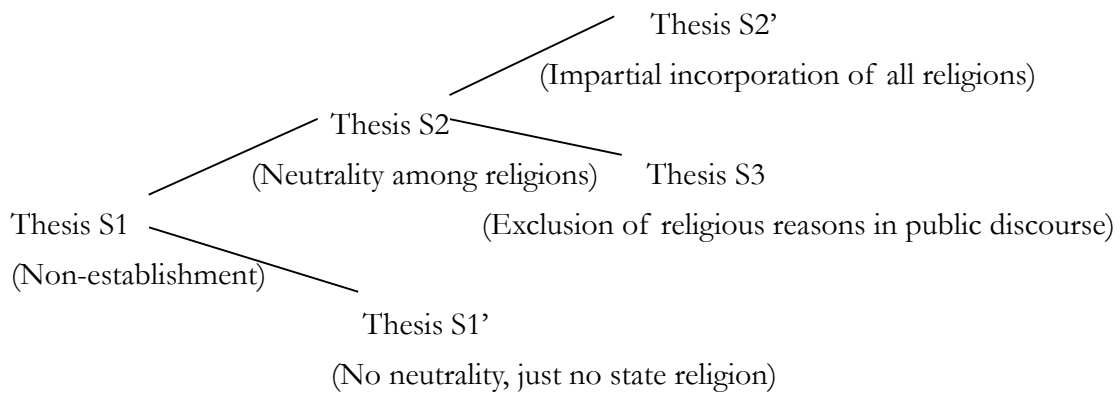
(Figure 1: Thesis S1, S2, S2', S3)

Thesis S1: Thesis S is a non-establishment of state religion principle.

Thesis S2: Thesis S is the state neutrality among all religions principle.

Thesis S2': Thesis S is a principle of including all comprehensive viewpoints in the public debate.

Thesis S3: Thesis S is a principle excluding religious reasons from the political arena.

2.3 Comprehensive Justifications for Liberty of Conscience and Thesis S

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[14] Paul Cliteur has discerned five models of state and religion: (1) political atheism, (2) the secular state, (3) the multiculturalist state, (4) state religion and (5) theocracy. See Paul Cliteur, "State and Religion against the Backdrop of Religious Radicalism", in *International Journal of Constitutional Law,* 10 (2012): 127-52. Political atheism and theocracy both ignore the fact of reasonable pluralism and impose a certain kind of comprehensive doctrine, therefore they are unreasonable models. While the model of state religion is what my Thesis S1 negates, the debate between the multiculturalist state and the model of the secular state represents the competition between Thesis S2' and Thesis S3 respectively.

Before explaining why the approach of justifying a principle on its moral merits is unsuccessful, I will first illustrate how the principle of secularism, including liberty of conscience and Thesis S, can be defended on moral grounds. For example, one of the most common arguments of defending liberty of conscience departs from the protection of individual autonomy. And Thesis S is also seen as the reason why such a liberty and autonomy is fundamentally warranted.[15]

Autonomy conventionally is a substantive ideal of individuality advanced by Kant and Mill's classical liberalism. As Mill writes in *On Liberty*, "If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode."[16] Mill's ideal of autonomy requires us to consider what the supreme value is in our whole life based on our own choices and free from authoritative intervention. Apart from Mill's emulation of autonomy, Kant also considers the principle of autonomy as one of the moral formulas. According to the formula of autonomy, we are subject to the moral law only because it is the necessary expression of our own nature as rational agents. "[I]f a rational agent is truly an end in himself, he must be the author of the laws which he is bound to obey, and it is this which gives him his supreme value."[17] And such a Kantian interpretation of autonomy is also active in contemporary philosophical discussions.

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[15] I need to remark on the precarious philosophical confusion between two concepts, personal autonomy and moral autonomy, a little bit. The complex relationship between these two conceptions of autonomy was seen as an unresolved dilemma for liberalism, but I believe that the idea of conscience, especially conscience in the Kantian sense, would help us to point a way out of that dilemma.

While personal autonomy is conceived in "a morally neutral manner, without specific reference to substantive values", moral autonomy is regarded as taking up "the Kantian mantle of defining the self-governing person as having the capacity to grasp certain objective moral norms." "The central liberal principle that citizens should be allowed to pursue their own conception of the good involves recognition of personal autonomy insofar as that pursuit is understood to proceed autonomously." Here is where it gets tricky: on the one hand, personally autonomous citizens see their individual pursuits of their conception of the good as a critical reflection of their first-order desire; in that way, personal autonomy and moral autonomy could not be seen as exactly separate. On the other hand, if the autonomy respected in liberal states is moral autonomy, then respect for a deep plurality of moral views threatens an overlapping consensus generated from them. Therefore, Jeremy Waldron argues that while we do need a sharp distinction between them, we should not "erect too high a wall of separation". A moderate position is what is called for in this delicate situation.

John Christman and Joel Anderson, "Introduction" in *Autonomy and the Challenges to Liberalism* (John Christman and Joel Anderson ed., Cambridge University Press, 2005)17-18. And Jeremy Waldron, "Moral Autonomy and Personal Autonomy" in *Autonomy and the Challenges to Liberalism*, 325.

[16] John Stuart Mill, *On Liberty* (David Bromwich and George Kate ed., Yale University Press, 2003)131.

[17] Immanuel Kant, *Groundwork of The Metaphysic of Morals* (H. J. Paton trans., The Mayflower Press, 1948) 35.

Gerald Dworkin and Harry Frankfurt's understandings of autonomy are in line with their views of personhood. Frankfurt claims that humans are not alone in having first-order desires and motives, or in making choices (animals have that ability as well); however it seems that only humans are able to form a second-order desire.[18] That is to say, only humans have the capacity to stand back from our inclinations of the moment to conduct reflective self-evaluation to see whether we want to be motivated by our first-order desire.[19] Autonomy is not just a first-order value; rather; it is considered a second-order ability of people to "reflect critically upon their first-order preferences, desires, wishes, and so forth, and the capacity to accept or attempt to change these in light of higher-order preferences and values."[20] Simply put, according to Frankfurt and Dworkin, what is crucial for the claim of autonomy is not the identification of a person's first-order desires, but whether they have the capacity to question their first-order desires. That is to say, autonomy is a reflective ideal. The reflective ideal of autonomy directs us to make moral decisions according to our own rational deliberation or will,[21] and concurs with our exercise of liberty of conscience.

Conscience as the will to be moral is not only a claim about the inner mental state of a person, it is more of a reflective ethical claim about what is morally right. It is not uncommon that many people perceive conscience as an interior psychological issue, which would severely undermine the central position of ethical judgment in a human's development. Moreover, conscience shall be distinguished from personal inclination (preference, desire) no matter how strong that is. Conscience is not driven by self-interest, and the fact that it is invoked by an individual does not mean that s/he is invoking it purely out of self-interest. "Unlike matters of mere preferences, the pursuit of conscientious commitments is generally more concerned about others or matters external to one's self than it is about internal or egoistic concerns."[22] Liberty of conscience is not based on a desire to protect individuals from far-reaching consequences to them against the law. It is a moral right, not a right "in the name of one's own interest in preserving one's basic life-style and one's fundamental plans for the future."[23] In a frequently-cited paper "Four Conceptions of Conscience", Thomas Hill Jr. argues that

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[18] See Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person," *The Journal of Philosophy* 68(1971): 6.

[19] Ibid., 7.

[20] See Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge University Press, 1988) 20.

[21] See Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person," 11.

[22] Rodney K. Smith, "Converting the Religious Equality Amendment into a Statute with a Little 'Conscience'," *Brigham Young University Law Review* (1996): 681.

[23] Joseph Raz, "A Right to Dissent? II. Conscientious Objection" in *The Authority of Law: Essays on Law and Morality* (Oxford University Press, 2009) 277.

the core idea of conscience strikingly resembles autonomy. "The core idea those conceptions have in common is, roughly, the idea of a capacity, commonly attributed to most human beings, to sense or immediately discern that what he or she has done, is doing, or is about to do is wrong, bad, and worthy of disapproval."[24] Roughly, to say that conscience is the ability to sense or immediately discern is to say that it is a way of arriving at the moral beliefs that are relevant to our actions.[25] "Following our conscience" in a Kantian sense, roughly, is treading carefully when we reflect our first-order moral actions. In other words, Kantian conscience is "a reliable guide to live a blameless life and certainly not necessarily a guarantee that we will do what is morally correct in every instance."[26] For Kant, conscience reacts to two things: "(1) that what we have done is at odds with what, even in our own judgment, is wrong in the circumstances and (2) that the act is fully imputable to ourselves as free agents."[27] Kant's conception of conscience is not only that people aim to "make good moral judgments and govern themselves by their best moral judgments", but also that they "follow a moral law that is itself a reflection of their own autonomous, rational will, not an acceptance of standards found in nature."[28] In short, liberty of conscience is first and foremost a guarantee of liberty. To be sure, the guarantee is of liberty of a specified domain; it is liberty with respect to conscientious choices and commitments. No conscientious choices or conceptions of the good life are guaranteed—only freedom is guaranteed.

The problem with this defense of liberty of conscience on the basis of autonomy is that autonomy is not uncontroversial, although this reflective level of autonomy only governs the way in which we are to affirm such views. There are two examples that illustrate the controversy with regard to autonomy: one stems from Romantic thinkers and the other is represented by religious thinking. Romantic thinkers have relentlessly argued against a fundamental ground for autonomy in our moral life. They do not take the value of choosing what is best or right for us as lying at the foundation of morality. Thus, they suspect that liberals have overstated the significant place of autonomy in our moral life. They claim that "the ideals of autonomy and individuality effectively blind us to the real merits of many ways of life,"[29] which might destroy the roots of morality. For Romantic thinkers, there are certain ways of life, or conceptions of the good life, that are more important to us than autonomy. They help build our goals in moral life, and "shape

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[24] Thomas E. Hill Jr, "Four Conceptions of Conscience" in *Human Welfare and Moral Worth: Kantian Perspectives* (Oxford University Press, 2002) 278.

[25] Ibid., 278, fn3.

[26] Ibid., 283.

[27] Ibid., 301-302.

[28] Ibid., 308.

[29] Charles Larmore, *The Morals of Modernity* (Cambridge University Press, 1996) 130.

the sense of value on the basis of which we make whatever choices we do".[30] The importance of liberty of conscience for Romantic thinkers is not liberty *per se*, but the kind of good life that such liberty can promote or lead to.

Besides Romantic thinkers, many religious believers also argue against the assumption of an autonomous view of human nature. The prevalent understanding of human nature does not suffice to incorporate the view thereof by religious people, thereby affecting the way they employ their autonomy. It is claimed that this standard view of autonomy is "inconsistent in several ways with recurring ideas in Christian theology".[31] For one thing, according to Christian theology, human nature is unable to "master sinful desires" and to freely decide to do good deeds.[32] Or, in contrast with the sin-based view of human nature, "there is an idea of grace, a kind of sharing in divine life, a power that enables us to control sinful desire, live good lives, and win salvation, which is given by God gratuitously."[33] In light of those two views, individuals do not have complete control over choosing the religious option (only God is able to).[34] Consequently, the real freedom would be freedom from sin. Additionally, religious people play a central role in formulating laws about free exercise, thus their own view of human nature cannot be easily disregarded.[35]

My aim here is not to defend the Romantic ideal or religious believers' arguments against autonomy, but only to illustrate the possibility of reasonable people with different backgrounds arriving at reasonable views. In finding a public justification for secularism, including liberty of conscience and Thesis S, that can be forced upon all citizens, we cannot disregard the profound disagreements that reasonable people might have when it comes to this justification's moral grounds.

2.4 Two Subsequent Problems: P1& P2

From these examinations of those comprehensive grounds for secularism, two obvious problems regarding comprehensive justifications have clearly manifested. In order to find a public basis for secularism, we aim to make its coercion legitimate to all citizens from different backgrounds with different moral and religious convictions. Unfortunately, in a democratic regime, there is a permanent fact called reasonable pluralism which makes it

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[30] Ibid., 129.

[31] John H. Garvey, "An Anti-Liberal Argument for Religious Freedom," in *Journal of Contemporary Legal Issues* 7(1996): 278.

[32] Ibid.

[33] Ibid.

[34] Ibid.

[35] See ibid., 283.

impossible for reasonable citizens to agree on any comprehensive doctrine. Reasonable citizens are profoundly divided by their disagreements on comprehensive issues such as whether autonomy is desirable, or whether we should strive for utmost happiness for most people. As I have explained in the last section, any moral justification for secularism is likely to be proved too contentious, and hence we cannot achieve a public justification for this principle. I will call the first problem resulting from reasonable pluralism P1.

The other problem is related to the fact of reasonable pluralism, although it is a separate problem. In defending secularism as liberty of conscience and Thesis S, we find that Thesis S is a precarious political principle which is subject to four interpretations. Various values and justifications espousing Thesis S tend to lead to differing theses, and due to these disagreements we cannot be sure which form of Thesis S is the most tenable thesis. In fundamental respects, Thesis S supports liberty of conscience. A constitutional democratic government refrains from promoting religious truth or bolstering any particular religious denomination and its theological positions. The separation of state and religion serves to promote the liberty of conscience of individuals by removing the government from individuals' choices of which religion to practice.

By not establishing any state religion, the government cannot demand that anyone engage in religious practice, subscribe to a religious creed or financially contribute to any religion. To demand that other people act according to established religious beliefs is to "promote or impose those beliefs",[36] which is against the basic political value of liberty of conscience. "Nor can the government make eligibility for civil benefits conditional on someone's having or expressing particular religious views."[37] The political rights of citizens do not and should not attach to their religious affiliations, and so it is the case with religious leaders, they do not exercise civil authority by virtue of their religious positions. Even "though the religious beliefs themselves are not being directly imposed, requiring other people to live their lives as the beliefs prescribe is to impose the practical consequences of the beliefs."[38] For most people, forced exposure to another religion would violate their liberty of conscience. Such a compulsion both denies liberty of conscience and amounts to establishment of the favored practice or creed. For example, if students in state schools are required or pressured into participating in rituals of an established religion, it constitutes a violation of their liberty of conscience. "When the acts that the law forbids cause no ascertainable harm, this kind of imposition should be

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[36] Kent Greenawalt, *Religious Convictions and Political Choice* (Oxford University Press, 1988) 247.

[37] Kent Greenawalt, *Religion and the Constitution I: Free Exercise and Fairness* (Princeton University Press, 2006) 35.

[38] Kent Greenawalt, *Religious Convictions and Political Choice,* 247.

regarded as amounting to their establishment in a constitutional sense."[39]

Apart from being a means to protect liberty of conscience, there could be several other interrelated values lying behind Thesis S. However, multiple moral values lead to endorsing different variations of Thesis S, and it is not clear which form of Thesis S, Thesis S1, Thesis S2, S2', S3, is best supported by those values. For instance, the individualistic value of autonomy offers a valid justification of Thesis S2, namely the state should not promote any controversial view of the good life at the expense of others. The treatment of citizens in a liberal state will not take into account their status, preference and their comprehensive doctrines. The state ought to refrain from favoring any comprehensive doctrine, including any religious doctrines.

Furthermore, Kent Greenawalt lists some major comprehensive views that legislators and judges need to take into account, such as

> "[T]he withdrawal of civil government from an area in which it is markedly incompetent, the removal of one source of corruption of religion and deflection from religious missions, the removal of one source of corruption of government, the prevention of unhealthy mingling of government and religion, the avoidance of political conflict along religious lines that could threaten social stability, and the promotion of a sense of equal dignity among citizens and so on."[40]

These views tend to end up supporting different versions of Thesis S. Greenawalt points out that for governments which lack special competence in religious issues, although they cannot therefore establish a state religion, they would be constantly tempted to favor those religions that support their agendas or are likely to win them the next election.[41] This is an instance of support for Thesis S1. However, "the prevention of unhealthy mingling of government and religion"[42] may induce an endorsement directly for Thesis S3. In a modern society, "if public officials become heavily involved in the review and supervision of religions," or if religious power takes control in political decisions, there would be substantial risks of such a severe interference.[43] As for the promotion of a sense of equal dignity among citizens, Thesis S is also likely to be interpreted differently than Thesis S1, S2, S2' or S3, as the nature of equality is addressed differently.

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[39] Ibid.

[40] Kent Greenawalt, *Religion and the Constitution II: Establishment and Fairness* (Princeton University Press, 2009) 6-7.

[41] See ibid., 10.

[42] Ibid., 6.

[43] Ibid., 11.

Therefore, defending secularism as a political conception does not suffice to point out whether we ought to uphold Thesis S1, S2, S2', or S3. I will call the problem of the indeterminacy of Thesis S P2. Further justifications for the principle are to be incorporated, and hence a clear exploration of those additional justifications is needed.

To sum up, P1 has encouraged us to forsake the comprehensive justificatory approach of defending secularism and to consider the political approach instead. However, a mere turn to the political approach still is not sufficient to solve P2. What is more, a plausible resolution to P2 also fully completes our answer to P1. Therefore, to reach my argumentative goal in this chapter, I will need a tenable solution to both P1 and P2.

III. A Political Approach to Publically Justifying Political Conceptions: The Solution to P1

3.1 Reasonable Pluralism: We Agree, to Disagree

The concept of reasonable pluralism is introduced by John Rawls in *Political Liberalism.* According to Rawls's characterization, reasonable pluralism refers to "a pluralism of incompatible yet reasonable comprehensive doctrines"[44] in a modern democratic society. It is also a defining feature of our democratic society. By comprehensive doctrines or comprehensive views, it means "views on certain fundamental questions such as the meaning and importance of human life, the kinds of freedom that human beings should strive for and are capable of, and the kind of life that is best for human beings to live."[45] For instance, Christianity, Kantian ethics, utilitarianism, quietism and so on are all comprehensive doctrines endorsing different views in those matters, such as whether the fundamental meaning of human life is to act according to God's will or act morally, and whether a deliberated life is the best life we could live. The fact of reasonable pluralism denotes that it is unrealistic to expect every reasonable citizen in a democratic regime to agree upon a conception of justice consistent with every one's comprehensive doctrines. Moreover, we understand that "a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime."[46] By realizing the normal outcome of human reason, we as reasonable persons, have at least arrived at one minimal

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[44] John Rawls, *Political Liberalism*, xviii.

[45] T.M. Scanlon, "Rawls on Justification," in *The Cambridge Companion to Rawls* (Samuel Freeman ed., Cambridge University Press, 2003) 159.

[46] John Rawls, *Political Liberalism*, xviii.

consensus: we agree, to disagree. Rawls points out that the fact of reasonable pluralism is not mere historical condition, but "a permanent feature of the public culture of democracy."[47]

The key to understanding the term "reasonable pluralism" is to distinguish it from an old doctrine of pluralism as such. The plain "pluralism" is "what Isaiah Berlin has so memorably described" as the simple fact that people have different conceptions of values.[48] In contrast with monism, pluralism is precisely an account of the nature of the good, according to which there are many kinds of objective values in the world.[49] The idea of reasonable pluralism "lies at a different, more reflective level than pluralism."[50] Reasonable pluralism is the idea that reasonable people tend to disagree with each other about comprehensive religious, moral and metaphysical doctrines, precisely by virtue of exercising their human reason to their best abilities.[51] Charles Larmore points out that reasonable pluralism, unlike value pluralism in Berlin's sense, does not involve a claim about the nature of value, but is a claim about the nature of human judgment by reason. "It responds to the religious and metaphysical disenchantment of the world, not by affirming it, as pluralism seems to do, but rather by recognizing that like other deep conceptions of value, this disenchantment is an idea about which reasonable people are likely to disagree, as indeed they do."[52] Larmore emphasizes the distinctive feature of reasonable pluralism in a recent paper, "the expectation of reasonable disagreement in regard to moral questions is not itself a moral doctrine but instead a conception of reason's capacities for dealing with these questions."[53] That is to say, reasonable pluralism is an understanding or a realization of the impossibility that humans all agree with each other in terms of comprehensive doctrines. Such an understanding or a realization of this impossibility is the starting point of the political approach to secularism. Before further explaining why reasonable pluralism is where we start a political approach to secularism, I should present what accounts for reasonable pluralism.

Rawls introduced a concept called "the burdens of judgment" to illustrate the sources of reasonable pluralism. He listed six obvious sources to account for reasonable pluralism, covering a wider span than the domain of practical thinking, some of which

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[47] Ibid., 36.

[48] Charles Larmore, "Pluralism and Reasonable Disagreement," *Social Philosophy and Policy* 11(1994): 62.

[49] Ibid.

[50] Ibid., 74.

[51] See Charles Larmore, "Political Liberalism: Its Motivation and Goals," in *Oxford Studies in Political Philosophy Vol I* (David Sobel, Peter Vallentyne, and Steven Wall ed.,Oxford University Press, 2015) 66.

[52] Charles Larmore, "Pluralism and Reasonable Disagreement," 74.

[53] Charles Larmore, "Political Liberalism: Its Motivation and Goals," 71.

also apply to theoretical reasoning.[54] These sources are: one, the evidence is "conflicting and complex", which makes it "hard to assess and evaluate"; two, even if we could agree on the content of the considerations taken into account, "we may still disagree about their weight"; three, moral and political concepts are vague and may be subject to stark disagreements in hard cases; four, to some extent, the way we assess moral values is "shaped by our total experience", which is bound to differ among reasonable people; five, different "normative considerations of different forces on both sides of an issue" cause great difficulty in making an overall assessment; six, in selecting among our cherished values, it is very difficult to set priorities.[55] Admittedly, these six sources do not include all possibilities; they are likely to be agreed on as the predominant cores of our reasonable disagreements.[56] What is noteworthy in these sources accounting for reasonable pluralism is that we have excluded "prejudice and bias, ignorance and blindness, self-interest,"[57] rivalries for power and so on. These exclusions do not mean that those elements do not play any role in moral and political life. Rather, by excluding these from the burdens of judgments, what Rawls emphasized is that not all of our differences are rooted in these elements, which stand in sharp contrast to everyone being reasonable. Reasonable pluralism is precisely what we achieve inevitably, with full powers of reason, after sufficient discussion. What divides us from each other is so deeply rooted and irreconcilable that we, as reasonable people, just have to accept it.

These burdens of judgment that Rawls has described may seem inapplicable to religious disagreements. After all, religious disagreements are about what we believe and what we do not. A Christian, a Muslim, and an atheist certainly differ with one another when it comes to religious matters, and such a divergence is to a large extent about faith, but it has nothing to do with reason or fact. It triggers the wonder that religious believers from different religions, even religious believers from the same religion but from different sects, and possibly even atheists recognize that the disagreements about their religious convictions are inevitable and acceptable as well. In my opinion, reasonable pluralism also applies to religious disagreements. The sources Rawls listed, including diverse interpretations of certain concepts, differing weights for the same consideration, and personal experience also play a part in the shaping of a person's religious belief. As long as a person is being reasonable, the fact of reasonable pluralism of religious matters

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[54]   See John Rawls, *Political Liberalism*, 55-57.

[55]   Ibid., 56-57.

[56]   Charles Larmore has also explained reasonable pluralism with the ideas that "central concepts can be variously interpreted, pertinent considerations ascribed different weight, especially because the way people reason can be differently guided by past experience," which correspond to the gist of Rawls's the burdens of judgments. Charles Larmore, "Political Liberalism: Its Motivation and Goals," 71.

[57]   John Rawls, *Political Liberalism,* 58.

is also acknowledgeable.

3.2 A Political Approach to Public Justifications

Recall that I said there are two general approaches to justify a political conception's public justification at the outset: one is to justify its moral correctness, and the other is to show it can be publically agreed on by a majority of the citizens. Likewise, the conception of secularism can be presented either by starting from within a general and comprehensive doctrine, or from "fundamental ideas regarded as latent in the public culture"[58], which "comprises the political institutions of a constitutional regime and the public traditions of their interpretation."[59]

Given the fact of reasonable pluralism, reasonable persons do not all affirm the same comprehensive doctrine, such as autonomy, or the good of some particular or all religions. Moreover, in a constitutional democratic regime, our own doctrines in general have no special claims on others who hold different reasonable comprehensive doctrines. One of the distinguishing features of a political conception is its coerciveness, and political power is always coercive power backed by a government's use of sanctions. The only way to overcome these kinds of disagreements in a constitutional regime is by oppressive political power.[60] In a democratic regime, if citizens cannot agree with or persuade others that their comprehensive doctrine is the only true one, it is unreasonable and wrong to use state power to punish those who have disagreed.[61] That is why it is unreasonable for those who possess political power to repress those different comprehensive reasonable views, if there is not a public basis of justification that applies to all. Therefore, I believe that the first approach has already lost its attractiveness, and we need to find answers from the latter approach. For the purpose of revealing the legitimacy of the principle of secularism, our awareness of reasonable pluralism therefore directs us to avoid longstanding philosophical, religious, and moral disagreements. Once we accept the fact that, in a democratic regime, reasonable people tend to disagree with each other with regard to their comprehensive doctrines, it is clear that no moral foundation is sufficiently agreed upon as a public basis of justification for political conceptions on fundamental political matters.

Instead, it is best for us to step away from the discussions of comprehensive doctrines, to look for an adequate political conception that is acceptable to citizens with

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[58]   Ibid., 175.

[59] Ibid, 13-14.

[60]   Ibid., 54.

[61]   Ibid., 138.

divergent religious and moral beliefs. The public justification of secularism can only be found in the public political culture of a constitutional democratic regime. The conception of secularism ought to be able to provide a publicly recognized point of view from which all reasonable citizens can openly examine, on the same basis, whether their political and social institutions are just. Public justification in this sense is not regarded as "valid argument from valid premises"[62], but as addressed to other citizens in a democratic society that features reasonable pluralism. For this reason, public justification must proceed from some consensus that is acceptable to us "for the purpose of reaching agreement on the fundamental aspects of political questions."[63] In this sense, the public justification we aim to reach for secularism ought to be political. It follows that the conception of secularism consists of liberty of conscience, and Thesis S, affirmed in a constitutional democratic society, therefore must be a conception whose justification is limited to the domain of the political. And this limitation perfectly represents the freestanding or the independent characteristic of a political view. By remaining independent, the justification of a political conception can be spared from referring to one or more comprehensive doctrines. The freestanding characteristic of political conceptions also calls for a clear distinction between how a political conception is presented and its being part of a comprehensive doctrine. Nevertheless, we still need to keep in mind that a political conception is still a moral conception worked out for a constitutional democratic society's "basic structures", i.e., its main political, social, and economic institutions,[64] and "how they fit together into one system of social cooperation."[65] The importance of the political turn of justifying secularism is embodied by the distinctiveness of the question of "what can be legitimately enforced" from the question of "what is morally just". It is perfectly consistent for secularism that we may, on the one hand, uphold our own religious doctrines as ultimately good and true, and on the other hand agree that it is unreasonable to use state power to enforce our religious doctrines.

To briefly summarize, reasonable pluralism is not a problem or burden as such, rather, it is a fact of the extent of human reason. Nevertheless, such a fact reminds us of the impossibility of persuading all citizens to agree on the same comprehensive doctrine. The realization of such a fact induces us to not defend secularism as a true or morally correct principle, but as a political conception that can be endorsed by the majority

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[62] John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985):229.

[63] Ibid.

[64] See John Rawls, *Political Liberalism,* 11-12.

[65] John Rawls, "Justice as Fairness: Political not Metaphysical," 229.

citizens in a democratic regime.

IV. Liberty of Conscience Justified as a Political Doctrine

4.1 Liberty of Conscience Justified as a Political Doctrine

Given the democratic feature of reasonable pluralism, it is certainly impossible to generate wide political agreement between free and equal citizens on the basis of such questions as: Which religion is the wisest or the best? What religious truth is the only truth? Or is atheism the only truth? And so on. Our purpose here is also to look for the most reasonable political conception of secularism, with the principles and values all free and equal citizens from different religious backgrounds can endorse.

It is assumed that all reasonable citizens in a well-ordered society have two views: "a comprehensive and a political view; and that our overall view can be divided into these two parts."[66] Political liberalism tries to work out a family of political conceptions of justice solely in political values, as a freestanding view that can be justified *pro tanto*, which means that it can be justified without referring to or in accordance with the existing comprehensive doctrines.[67] It is left to citizens to settle individually how they think of the connection between the values of the political domain and other values in their comprehensive doctrine. That is how the political approach of liberalism arises, that "the appeal is rather to the political value of a public life conducted on terms that all reasonable citizens can accept."[68] Such an approach leads to the idea that it is only by affirming a political and not a metaphysical conception that citizens "generally can expect to find principles that all can accept"[69], which leaves room for citizens' own conscience or reflection on their comprehensive doctrines. It is thus clear that citizens do not need to deny the deeper aspects of their reasonable comprehensive doctrines. The question of how to settle the interplay between the values of the political domain and the comprehensive religious doctrines, namely whether the full justification of a political principle could be carried out by an individual citizen, is also part of the content of liberty of conscience. Therefore, the liberty of conscience, citizens' liberty in holding diverse comprehensive religious views, is not an act of free choice based on autonomy or individuality; rather, "as free and equal citizens, whether we affirm these views is

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[66] John Rawls, *Political Liberalism*, 140.

[67] See ibid., 389. These values are of course understood as the basis of public reason and justification.

[68] Ibid., 98.

[69] Ibid., 97.

regarded as within our political competence specified by basic constitutional rights and liberties."[70] As demonstrated by the burdens of judgment, differing comprehensive doctrines can reasonably be argued and defended from different standpoints, and therefore diversity arises. It is impossible to expect a comprehensive religious or moral doctrine to serve as the basis of lasting and reasoned political agreement in a free society.

Although liberty of conscience is a highly liberal idea which might be associated with Kant's or Mill's liberalism, upholding liberty of conscience does not have to invoke any comprehensive doctrines as its value foundation. A well-ordered society of political liberalism ought to be able to establish the circumstance honoring the value of liberty of conscience, namely, allowing a just basic structure within which all reasonable comprehensive views could be fairly maintained. Political liberalism is not biased toward any comprehensive conceptions, unless those conceptions in our social and political institutions cannot serve as a fair background condition for competing diverse "conceptions of the good to be affirmed and pursued".[71] Under the framework of political liberalism, the encouragement or discouragement of comprehensive doctrines depends upon either whether these comprehensive doctrines are "in direct conflict with the principles of justice", or whether these comprehensive doctrines can engender sufficient agreements "under the political and social conditions of a just constitutional regime".[72] Suppose that, in order to sustain the political value of mutual toleration of religions, a constitutional regime has to take measures to discourage various kinds of religions, it does not thereby support other religions or any other particular religion. Rather, it is important for us to distinguish "taking reasonable measures to strengthen the forms of thought and feeling that sustain fair social cooperation between its free and equal citizens", from the state's "advancing a particular comprehensive doctrine in its own name".[73]

4.2 Liberty of Conscience and Freedom of Religion

I believe my readers must have already noticed that in this chapter I refer to liberty of conscience instead of religious freedom. Does the concept of conscience cover a broader scope than religion? A full examination of this issue would require a much more extensive examination than I can produce here in this chapter. Nevertheless, I will say that referring to "liberty of conscience" is not just a semantic preference but is because

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[70] See ibid., 222.

[71] Ibid., 198-199.

[72] Ibid., 196.

[73] Ibid., 195.

conscience has a wider scope and a more solid justification than religion.

With respect to conscience's wider scope than religion, it could be objected that while almost all the international or national constitutional documents have confirmed the principle of freedom of religion, not all of them have given the same recognition to liberty of conscience. Some theorists argue that religion, compared to the much vaguer and looser concept of conscience, has enjoyed an ethically and legally superior position, which has inevitably earned it more legal protection. Generally, their strategy relies on a contentious claim that religion is fundamentally good, either drawn from the perspective of religious truth or on basis of past judicial decisions that favored religion.[74] However,

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[74] By way of illustration, I can name two strategies and analyse their own mistakes embedded in their own arguments without engaging in debates on their standpoints. For example, John Garvey concedes that there are various reasons that believers would give for protecting different forms of religious actions. For example, with regard to performance of traditional religious ritual acts, it is futile to coerce people to perform ceremonies they do not believe in. When it comes to religious actions such as acquirement and spread of religious knowledge, the supportive argument would be that freedom of religion results in truth. "Religious believers are often bound by special moral obligations, regarding which they believe that a violation of them may generate severe repentance or punishments." See John H. Garvey, "An Anti-Liberal Argument for Religious Freedom," 285-289.

Nonetheless, all these scattered reasons all just make the same error—in a more deceptively delicate way—that autonomy theory or prudential arguments also make (as John Garvey alleged), by treating religion as a means to end, in this case, truth and dreading punishment. Those who claim that the only convincing reason for religion's special treatment in constitutions lies in religion's intrinsic good all face precisely such a paradox: on the one hand, they need to establish and defend religion's intrinsic good to justify its priority position in constitutions without yielding to other explanations which are not exclusive to religion; on the other hand, all their contributory arguments cannot be supported except by doing a teleological analysis of religion. Even worse, if following that strategy's logic, that the legal fact of religious freedom is established in constitutions suffices to justify its superiority to other human freedoms, which would amount to claiming that thought, conscience, press, peaceable assembly, association, and so on are all good in themselves and also exist in competition with other freedoms. The ninth amendment of American Constitution clearly refutes that logic by stating that it "protects rights not enumerated in the Constitution".

The other strategy is to draw the same conclusion directly on basis of past judicial decisions that favored religion. Andrew Koppelman claims that the constitutional protection of religious convictions and practices does not differ so much from giving religion a *de facto* privileged position. In other words, religious protection and religious privilege are logically continuous. If deep commitments, like religious commitments, ought to be privileged relative to superficial ones, it would be insufficient to support special treatment of religion *per se*. Koppelman argues that being protected entails being protected from discrimination, and that it also implies a relative privileged position compared to other convictions that are not being protected. For example, two adults, A and B, are entitled to vote, while infant C is not, thus the two adults are privileged relative to the infant. Suppose someone proposes to deny adult A the right to vote based on his race or gender, which constitutes discrimination, thus A should be protected from such a rule because such a rule treats him/her as an infant. Granting the right to vote to both A and B protects both from discrimination by the other, but it also privileges C. See Andrew Koppelman, "Is It Fair to Give Religion Special Treatment?" *University of Illinois Law Review* 3(2006): 572, 581-582.

although the Supreme Court (of the U.S.) has given religious convictions and practices exemptions several times, there is not enough evidence to conclude that religion is ethically or legally superior to other convictions or conscience in general. These decisions merely illuminate the U.S's constitutional warrant of free exercise instead of evaluating whether it is superior or not. And more importantly, as I have argued, whether religion itself is good, or whether holding such a comprehensive conception of morality is beyond reasonable people's scope of agreement.

Actually, according to two famous judicial decisions by the U.S. Supreme Court, the U.S. has already broadened the protection of religious liberty in its first amendment to a wider realm of conscience. In the case *United States v. Seeger* (1964), even though the draft resister Daniel Andrew Seeger was agnostic about the existence of God, he called his views "religious" by referring to Plato, Aristotle, and Spinoza. The Supreme Court supported a broad interpretation of religious belief that

> "[T]he test of belief in a relation to a Supreme Being is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is in a relation to a Supreme Being and the other is not."[75]

The Seeger case was not a unique instance in American constitutional history; a similar case, *Welsh v. United States* (1970), appeared in front of the Supreme Court six years later. While Seeger succeeded in his case by citing doctrines of Paul Tillich and ethical culture as guidance, Welsh explicitly denied that his beliefs were religious in any ordinary sense.[76] Instead, Welsh argued that the duty not to kill another human being is not superior to

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However, an essential confusion is embedded in Koppelman's example. The rule, say rule f, which denies A's right to vote because of his/her race, gender, or origin is morally discriminatory law and hence fundamentally different from the rule, say rule c, declining the infant's right to vote, which is based on the infant's capacity rather than on a moral reason. Protecting A and B in order to guarantee their right to vote does not entail a privileged position for C. Similarly, protecting religious practice or conviction by no means leads to the privileging of religion. Besides, it is likely that Koppelman's conclusion also demonstrates a logical deficiency. According to Wesley Hohfeld's classical analysis of rights, if religious practices and convictions enjoy a privileged position compared to secular ones, the latter has no-right correlatively, which runs afoul of our legal practices.

[75] *United States v. Seeger*, 326 F.2d 846 (1964).

[76] In *The Secular Outlook*, Paul Cliteur points out that the "God" Paul Tillich refers to is not the God the theistic religions have in mind. What Tillich signifies is a symbol of ultimate human concern. See Paul Cliteur, *The Secular Outlook: in Defense of Moral and Political Secularism* (Wiley-Blackwell, 2010) 18.

human relations but rather essential to all human relations, and he based his opposition to participation in war on readings in the fields of history and sociology. The majority opinion finally ruled to extending the approach in the Seeger case; it declared that Welsh counted as "religious", as his conscience was initiated by deeply "moral, ethical, or religious beliefs, which gave him no rest or peace if he allowed himself to become a part of an instrument of war."[77] Although the Supreme Court adopted an extensive interpretation of "religious belief" in the first amendment to support Seeger and Welsh, still, I believe these rulings have clearly shown how the Supreme Court has extended its explicit religious exemption to conscientious exemption. Just like I suggested about the limitation of using the concept of "religion" in section 2.2, as quoted before, "a moral outlook on life", no matter how "reverently held, is not sufficient for its possessor's being religious in the sense relevant to the separation of church and state".[78] It is either an incongruent interpretation of "religion" in the clause of non-establishment and free exercise in the first amendment, or the court opts for a broader accommodation of liberty of conscience. Besides, religion is not tantamount to any coherent set of ideals central to one's life. We need to distinguish between "holding a world view religiously and holding a religious view," and one who holds a worldview religiously is not a religious person.[79] Moreover, the Welsh case disconnects moral authority from religion in the sense that a person need not be religious to hold committed moral concerns. Therefore, liberty of conscience has more moral substance than the claim of religious freedom too.

After all, as I have argued in section of 4.1, liberty of conscience is one of the grounding political values of a constitutional democratic regime that we all can share, which includes the liberty to hold any comprehensive views, including religious beliefs, as we deem best. The recognition of the liberty to harbor any view at all comes before the realization of a specific freedom in the realm of religious views. Therefore, liberty of conscience also occupies a more reflective level than religious liberty.

V. A Political Defense of Thesis S1: Separation as Non-Establishment

5.1 Separation as Non-establishment as the Necessary Upshot of Liberty of Conscience

As I have stated in section 2.3, once the political principle of liberty of conscience is settled, the requirement of no state-established religion as a measure to secure it naturally follows. The separation of state and religion, manifesting a no state-religion

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[77] *Welsh v. United States*, 398 U.S.333 (1970).
[78] Robert Audi, "The Separation of Church and State and the Obligations of Citizenship," 273.
[79] Ibid.

constitutional mechanism is the necessary upshot of a state verifying liberty of conscience. An absence of establishment entails that no particular religion is recognized by the government as official for its citizens or receives official financial support from citizens' taxes. Non-establishment promotes liberty of conscience by preventing the government from getting in the way of individuals' own choices about their religious belief and practice. An established religion or ideology which confirms the value of certain comprehensive doctrines would be an outspoken denial of its citizens' liberty of conscience. That is also why the clauses of non-establishment and free exercise (of religious liberty) go hand in hand in the first amendment of the U.S. constitution despite their deeper conflict, which I will come back to at the end of this section.

Liberty of conscience and the separation of state and religion not only protect individuals' basic rights; they also protect churches from coming under the control of the government and other powerful institutions.[80] For instance, those who no longer recognize a church's authority are not the church's members, and this change would not be recognized as a criminal act, since "apostasy and heresy are not legal offenses."[81] This is an example of how liberty of conscience protects individuals against the church generally. The separation of church and state can work as a mutual protection for both church and state. It allows all religious groups to worship and order their affairs autonomously. As Rawls indicates, "It protects religion from the state and the state from religion; it protects citizens from their churches and citizens from one another."[82] Although an established church has a predominant advantage over other churches, members of the official church are also vulnerable to losing their liberty. If religion is essentially not the business of a civil government, it would still be a violation of liberty of conscience if political officials exercising state power control or influence religion. Rawls takes "the vitality and wide acceptance of religion in America" as having benefited from the fact that the various religions in America have been protected by the separation of state and religion.[83] None of the religions have been able to "determinate and suppress the other religions by the capture and use of state power."[84]

Apart from being the necessary prerequisite for liberty of conscience, the

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[80]   John Rawls, *Political Liberalism*, 221, fn8.

[81]   Ibid., 221. At least they are not legal crimes according to the criminal laws of democratic states. Oddly, Iceland is an exception as it still has the crime of blasphemy in its constitution. See *The Freedom of Thought Report 2014: A Global Report on Discrimination Against Humanists, Atheists, and the Non-religious; Their Human Rights and Legal Status* (International Humanist and Ethical Union, 2014) 436.

[82] John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64 (1997):795.

[83] See ibid., 795-796.

[84] Ibid., 796.

separation of state and religion as non-state religion (Thesis S1) can be widely supported by a family of political values that undergird liberal democratic regimes. A liberal democratic regime is organized by a set of fundamental constitutional principles which are acceptable and can be endorsed by every reasonable citizen. An established religion is a representative of an official, recognized superior comprehensive doctrine, which disadvantages those citizens whose belief conflicts with the established religion.

5.2 Non-Establishment: *De Jure* and *De Facto*

The constitutional scheme of non-establishment is so elusive in some states, however, that it is inconsistent *de jure* and *de facto*, due to historical and cultural reasons. For example, the UK and some Scandinavia countries (Denmark, Sweden) have an established church in their constitutions, and the members of their royal families also belong to that church. However, their politics in reality are not so much affected by an established church, and their citizens' liberty of conscience is also protected and respected. States like the U.S. and some European countries with Catholic traditions are now free from an established church, although they also give forms of recognition to the churches. One crucial feature of U.S. society is that it has a long and positive experience of integration through religious identities. In the early U.S., religious faith could be re-established in two ways. The first involved the presence of God at the level of the whole society as the author of a design which defines the political identity of this society. The second consists in free churches, which are "set up as instruments of mutual help whereby individuals are brought in contact with the word of God and mutually strengthen each other in ordering their lives along Godly lines."[85] The entangled relationship between religion and society continues to today as well. For example, U.S. presidents have to swear on the Bible at their inaugurations. During trials, witnesses also have to hold the Bible and swear to it that they are telling "the truth, the whole truth, and nothing but the truth". Not to mention the big engravings of the phrase "In God We Trust" in every court room. Those are simply institutional examples of how much homage a non-establishment country paid to religions (Christianity mostly), while there are more vivid examples showing the prominent place of religion in ordinary people's views of political figures and their own daily life.

For the imbalance of the *de jure* and *de facto* of non-establishment, it is not accurate to conclude that those states with an established church are not secular, whilst it is also difficult to define states like the U.S. as perfectly secular. Although the UK never had a

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[85] Charles Taylor, *A Secular Age* (Harvard University Press, 2007) 453.

constitution written down like those of the U.S. or Germany, or any other statutory law country, we surely cannot claim the UK does not have a constitution or does not value it. By the same token, some contemporary democratic states still adopt a state church system, but it is plain that their state church models are very much mitigated systems of establishment, so that the maintenance of a state church is more a symbol of tradition or culture, symbolizing nothing of political legitimacy. From that perspective, a lack of the separation of church and state *de jure* does not necessarily prevent a state from being secular. On the other hand, despite the pervasive influence of religion in states like the U.S. and some southern European countries, *de facto*, the separation of church and state exists and is upheld in a fundamental position in their political systems.

5.3 The Over-Inconclusiveness of Separation as Non-establishment

Aside from the gap between *de jure* and *de facto* when it comes to Separation as Non-Establishment in many political systems, there is another, more serious issue with regard to Separation as Non-Establishment. It is a relatively general and unspecific principle which cannot give conclusive guidance in hard cases. It is clear that the core of not having an established religion as a means of realizing liberty of conscience entails that no particular religion enjoys official government status. For instance, religious groups must handle their own affairs, governmental financial support should not be involved, the government cannot establish or defend particular religious doctrines, and so on. However, since even the act of governments granting special accommodations or exemptions to religious claimants may seem to establish religion over non-religion, or to establish favored religions over those who are not favored, the matter of how to interpret the separation of state and religion is rather precarious. As previously mentioned, in the U.S. Constitution, the non-establishment clause facilitates the free exercise clause fundamentally, whereas there is also strong tension between those two constitutional principles. I believe that their tension derives from their generality as constitutional principles together with their parallel positions in the constitution, both being highest rights. A more robust interpretation of the non-establishment clause is argued to be an impairment of free exercise, while granted religious exemptions will challenge the specific content and extent of non-establishment. There is no clear boundary or traceable guidelines for their implementations in judicial decisions so far.

For instance, the landmark case of *Burwell v. Hobby Lobby*[86] (2014) shows firm

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[86] The Hobby Lobby Stores, Inc., with over 500 stores and over 13,000 employees across the United States, dealing in arts and crafts and considered an industry leader, is owned and operated by the Green family. The Green family has organized its business according to the principles of the Christian

support for the free exercise clause on a whole new level. In 2010, the U.S. Congress passed the Affordable Care Act (ACA), which requires for-profit health insurance companies to cover certain kinds of preventive care for women, including all twenty FDA (Food and Drug Administration)-approved contraceptives (sixteen of which are contraceptives and four of which can act to induce abortions) in their employer-based health plans. In September 2012, on the basis of another federal law, the Religious Freedom Restoration Act (RFRA) and the Free Exercise Clause of the First Amendment in the U.S. Constitution, Hobby Lobby filed a suit against the U.S. department of Health and Human Services (HHS) requesting a preliminary injunction against the enforcement of the part of the law that forced employers to provide the four contraceptive drugs that lead to abortion. After a denial by the Oklahoma District Court and an overruling by the Tenth Circuit, in June 2014, the U.S. Supreme Court extended religious exemptions to the for-profit company for the first time. Moreover, recently, as a reaction to the U.S. Supreme Court's ruling in favor of nationwide same-sex marriage in June 2015, legislators in several (southern) U.S. states have proposed pieces of legislation to offer exemptions to a variety of occupations where religious citizens who are uncomfortable with serving same-sex couples' weddings. The question here is that it is not decided (by the Supreme Court) whether these bills strengthen the protection guaranteed by the free exercise clause in the first amendment of the U.S. constitution, or violate the first amendment's establishment clause.[87]

To sum up, given the fact of reasonable pluralism, the principle of liberty of conscience is a derivative from the political justification of liberalism. Reasonable persons therefore endorse the political value of liberty of conscience and freedom of thought, which "takes the truths of religion off the political agenda"[88], as it is unreasonable for us to use political power to repress other comprehensive views just because they are different from ours, provided that they are also reasonable. In fundamental respects, Thesis S (the separation of state and religion) helps guarantee the liberty of conscience. However, understanding secularism simply as non-establishment (along with liberty of conscience) is too wide and general. It cannot illustrate whether secularism as non-establishment should be further interpreted in more detail and concrete forms, and which form of Thesis S is the one we ought to defend exactly.

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faith and has also explicitly stated its intention to run the company according to Biblical precepts on its official website.

[87] For a summary of the case, see Zhang Tu, "Burwell v. Hobby Lobby: An Unprecedented Evolvement of Religious Exemptions in the U.S.", in *Leiden Law Blog*: http://leidenlawblog.nl/articles/burwell-v.-hobby-lobby-an-unprecedented-evolvement-of-religious-exemptions.

[88] John Rawls, *Political Liberalism*, 151.

Besides, lacking a more concrete form or additional designations, the implementation of non-establishment, suffering from the unevenness of its *de jure* and *de facto* manifestations, can be largely equivocal in many democratic regimes. In order to solve P2, the problem of the indeterminacy of Thesis S, in addition to adopting the political approach, more specific forms to supplement the relatively general political approach of Thesis S1 need to be taken into consideration.

VI. In Support of Separation as Neutral Treatment of all Religions?

Due to the impossibility of achieving agreement on comprehensive doctrines, many political liberals believe that a political conception's legitimacy can only be defended on grounds that are neutral between comprehensive doctrines. A liberal democratic state should demand neutrality in its relation to different religions, and also between those who embrace religious beliefs and those who do not. In other words, a state ought to be neutral with regard to different comprehensive doctrines, including religious ones. Hence, the indeterminacy problem of Thesis S could be understood or investigated under a bigger framework of liberal neutrality with respect to comprehensive doctrines of citizens in democratic societies. In this section, I shall consider whether interpreting the separation of state and religion as the state neutrality principle is desirable.

  6.1 Confronting P1: Thesis S2 as the State Neutrality Principle

According to the Rawlsian political approach we just turned to, a political conception of justice is independent of any particular comprehensive doctrine. Therefore, it is possible for a society to be governed by liberal neutrality in the sense that its basic structures are not designed or sustained to move toward any particular comprehensive doctrine, including any particular religious doctrines. Thesis S interpreted in this manner is to be understood as the form of Thesis S2, a neutral attitude toward all religions and between religion and non-religion. Rawls is not alone in the sense that some political liberals' advocacy of the neutrality principle also rest on the recognition of P1, the problem of reasonable pluralism. They consider the neutrality principle as what is required by the goal of public justification under the constraint of the fact of reasonable pluralism.

Bruce Ackerman claims that the essence of liberalism is to deny anyone the moral privilege to settle the problem of reasonable pluralism, namely, to declare that they have the authority to define the only truth.[89] Convincing others of our own belief of

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[89] See Bruce Ackerman, *Social Justice in the Liberal State* (Yale University Press, 1980) 10.

liberalism as truth is to make liberalism a hostage to a particular metaphysical system. Therefore, liberalism does not and does not have to depend on the truth of any single metaphysical or epistemological system.[90] Rather, liberalism's "ultimate justification locates at its strategic location in a web of talk that converges upon it from every direction."[91] Ackerman's core argument is that, if the power holder or the state asserts "his conception of the good is better than that asserted by any of his fellow citizens, or regardless of his conception of the good, he is intrinsically superior to one or many of his fellow citizens," then its power structure is illegitimate.[92] In other words, if the state does not hold to the neutrality principle in terms of conceptions of the good, then it is not a legitimate state.

Likewise, Charles Larmore regards the neutrality principle as a morally minimal solution to the problem of reasonable pluralism.[93] By "morally minimal", he means that neutrality "serves as a common ground" that is acceptable by all citizens and not that those who affirm it will easily live up to it.[94] He reckons that this problem calls for the recasting of liberal theory, marking the renovation of a familiar 17th century idea of political liberalism, which could be traced back to Locke's toleration.[95] It was an idea generated as a result of reasonable disagreements about what the true religion is.[96]

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[90] See ibid., 356-357.

[91] Ibid., 361.

[92] See ibid., 11.

[93] See Charles Larmore, *The Morals of Modernity* (Cambridge University Press, 1996); "Political Liberalism", *Political Theory* 18(1990): 339-360.

[94] Charles Larmore, *The Morals of Modernity*, 123

[95] Ibid., 132.

[96] Ibid. Confronting the cruel and brutal religious intolerance caused by diverse religious disagreements, Locke argues the solution is the separation of church and commonwealth. He believed that "we must above all distinguish between political and religious matters, and properly define the boundary between church and commonwealth. Until this is done, no limit can be put to the disputes between those who have, or affect to have, a zeal for the salvation of souls and those who have a real or affected concern for the safety of the commonwealth." "A commonwealth is an association of people constituted solely for the purpose of preserving and promoting civil goods, including life, liberty, physical integrity, and freedom from pain, as well as external possessions, such as land, money, the necessities of everyday life," and so on. Locke also argues that, due to human wickedness and greediness, it is necessary for us to form political associations for the sake of defending the wealth and resources a person has already won or of protecting his means of winning them, such as his freedom and good health.

It is the duty of the civil ruler, namely the state, to guarantee and preserve the just possession of those civil goods which relate to this life. And the whole jurisdiction of the state lies solely with these civil goods. "All the right and authority of the civil power is confined and restricted to the protection and promotion of these civil goods and these alone. It should not, and cannot, be extended to the salvation of souls…The civil power should not use the civil law to prescribe articles of faith (or doctrines) or the manner in which one should worship God." Nor can the civil power use law, force, and penalties to enforce any religion on its citizens, as only the citizens themselves can decide whether

Larmore shares Locke's vision in terms of the goal of political liberalism: that it does not express any comprehensive aspirations about values, but is "an appropriate response to the problems of reasonable pluralism".[97] Similarly, in a modern democratic society in which citizens subscribe to many different conceptions of the good, the state cannot justify its coercive power by attaching itself to the ideals of any particular group, but can only defend its coercion on grounds that are neutral between them. It follows that a liberal state shall refrain from forcing its citizens to accept any particular conception of the good, or to force them to affirm the superiority of certain conceptions of the good to others. In other words, a liberal state ought to stay neutral among differing conceptions of the good that its citizens uphold.

6.2 The Deficiencies of Taking Thesis S as Thesis S2

Confronting the permanent fact that citizens cannot agree on a conception of the good life, the neutrality principle appears as a promising candidate to solve P2. And I will consider whether the neutrality principle is convincing in this subsection.

a.   The Problem with Understanding the Neutrality Principle

Ackerman characterizes neutrality as the constraint on appealing to any privileged moral authority in justifying the use of political power. However, he refuses to pin down how to defend the neutrality principle, which renders his defense of political legitimacy incomplete as well. By declining to work out a justification for neutrality on moral foundations, Ackerman's claim of neutrality is likely to be agnostic, or is prone to be diagnosed as a form of procedural neutrality. Procedural neutrality refers to a procedure that can be legitimated without invoking any moral values, or only appealing to neutral

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the religion is acceptable to them or not. Locke underlined that neither persons, nor churches, nor even commonwealths can have any right to attack each other's civil goods and steal each other's secular assets on the pretext of religion.

Conversely, within the jurisdiction of the church, "the purpose of a religious association is public worship of God and the attainment of eternal life by means of it. This is what the whole of the church's teaching should aim at; these are the only ends to which all of its laws should be directed. There is and can be no concern in this association with the possession of civil or earthly goods. No force is to be used here for any reason." Moreover, "if a civil ruler tried to make laws about another person's religion, it is all the same whether he does so by his own judgment or by the authority of a church, that is by the opinions of other men," which violates this person's liberty of conscience.

See John Locke, "A Letter Concerning Toleration," in *Locke on Toleration*, Richard Vernon ed., (Cambridge University Press, 2010) 6-32.

[97] Charles Larmore, *The Morals of Modernity*, 144.

values like impartiality, consistency, or coherence.[98] Yet, the specification of a neutral procedure itself might draw on "substantive values that underlie the principles of rational discussion between reasonable citizens."[99] Furthermore, political liberalism is not procedurally neutral, and any liberal view must be substantive. Its political principles are substantive and express far more values than just procedural values. It is true indeed that, by insisting on the principle of neutrality, we aim to look for a common ground on which we will not be treated with bias due to our different comprehensive doctrines. Nonetheless, such a common ground is not a procedurally neutral ground.[100] In a constitutional democratic regime, citizens must already have some ideas of right and justice in their minds and some basis for their reasoning. A political principle is substantive in the sense that it "springs from and belongs to" the liberal tradition thought and the public political culture of democratic societies.[101]

Procedural neutrality is not the only approach to clarifying the neutrality principle. The principle of neutrality can be defined in a variety of ways. Conventionally, the neutrality principle can be construed as neutrality of effects and neutrality of justification (intention), which concentrates on the effects and the intention of the state policy, respectively.[102] Namely, for neutrality of effects, a policy is neutral "when and only when, relative to an appropriate baseline, it is not expected to produce unequal effects on different conceptions of the good", and for neutrality of justification or intention, the state maintains neutrality "when and only when its policies are adopted with an appropriate kind of intention."[103]

Nevertheless, both of these two traditional constructions seem to be deeply flawed. To begin with, neutrality of effect might end up excluding many policies as it regards virtually all policies as non-neutral. It is unpreventable that any policy could lead to affirming the "superiority of certain forms of moral character and encourage certain moral virtues."[104] Policies that "seek to establish a fair distribution of material resources make it relatively harder for people with expensive tastes to realize the ways of life they value."[105] On the other hand, neutrality of intention or justification is highly unrealistic as, at minimum, the state has to secure some basic public goods (basic resources for

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[98] John Rawls, *Political Liberalism*, 191.

[99] Ibid.

[100] Ibid., 192.

[101] Ibid., 432.

[102] See Alan Patten, *Equal Recognition: The Moral Foundations of Minority Rights* (Princeton University Press, 2014) 111-112.

[103] Ibid., 112.

[104] John Rawls, *Political Liberalism*, 194.

[105] Alan Patten, *Equal Recognition: The Moral Foundations of Minority Rights*, 114.

sustaining human life, national defense, etc.). Furthermore, it seems to suggest that there are no important liberal values or principles that "support a general prohibition against the state acting on particular judgments about the good."[106] In other words, it is rather a questionable claim to argue for the fundamental place of the value of neutrality.[107]

Stephen Macedo expounds a quite robust view of the relation between liberalism and the neutrality principle. He strongly objects to the thought that the liberal law is "in any strong sense purposeless, or non-instrumental, or neutral with regard to conceptions of the good life, either at the level of society as a whole or at the level of individual life plans."[108] He argues that "if liberalism stands for mere toleration or an indiscriminate spirit of accommodation, then it stands for everything, and it takes a stand for nothing."[109] Macedo's robust conception of liberalism is to a certain extent a criticism of Larmore's political neutrality conception.[110] Macedo argues that Larmore's liberal neutrality, which stands for mutual respect among people and a commitment to values at the most basic level, is not neutral at all. Rather, liberalism requires the support of positive values to explain why we should equally respect other people. Liberalism stands for the "positive value of freedom, freedom to devise, criticize, revise, and pursue a plan of life, and it calls upon people to respect the rights of others whether or not they share the same goals and ideals".[111] Therefore, it is liberals' goal to design political institutions and practices to embody and sustain these values. Besides, neutrality of intention would include too many non-neutral policies as neutral. For instance, a state might set up its majority religion as the state-religion for some neutral aim—say, bringing citizens closer together—but it is clearly non-neutral in character (I will get to this point in a moment). Therefore, the conventional neutrality principle is actually quite troublesome, as Rawls calls it, "unfortunate"[112].

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[106] Ibid., 112.

[107] Alan Patten considers the value of neutrality as a "downstream" value in the domain of values. That is to say, "a decision to be neutral in some conflict or contest is sometimes based on nonneutral reasons. There is some justifiable set of fundamental values commit the state to being neutral among different conceptions of the good." See Alan Patten, *Equal Recognition: The Moral Foundations of Minority Rights*, 108-109.

[108] Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford Clarendon Press, 1990) 258.

[109] Ibid.

[110] As a matter of fact, Macedo and Larmore both confirm the fundamental importance of citizens' wish to conduct a reasonable and rational dialogue about political virtue with other people who share a basic concern in such a dialogue, or in Rawls's words, citizens' public reasoning in public justifies political legitimacy. However, Larmore treats it as a procedural constraint while Macedo recognizes it as a moral core of liberalism.

[111] Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism*, 258.

[112] John Rawls, *Political Liberalism*, 191.

b. The Neutrality Principle and The Separation of State and Religion: A Contingent Relationship

More importantly, for my purpose here, the relationship between the state neutrality principle and secularism is only contingent: the neutrality principle does not necessarily support or entail the separation of state and religion. For the sake of protecting some individuals' liberty of conscience, a state's commitment to the neutrality principle is easily questionable. Moreover, the confusion over the concept of neutrality opens the door to subjecting neutrality to two divergent interpretations with regard to religion: one is to understand it as abstinence with regard to all comprehensive doctrines, and the other is to take neutrality as giving every comprehensive outlook the same accommodation and incorporating them all (Thesis S3 and Thesis S2' respectively, and that is also the reason we do not characterize these two theses as falling within the concept of neutrality).

Two following recent cases exactly illustrate the gap between the endorsement of the neutrality principle and secularism. One is related to legislation while the other is one of the most influential cases in Europe in recent years. Both of them have made the statement that the state neutrality principle does not necessarily entail secularism, and secularism is not necessarily a manifestation of the state neutrality principle. In February 2007, the government of Quebec (a Canadian province) organized a Consultation Commission on Accommodation Practices Related to Cultural Differences (CCPARDC) spearheaded by Gerard Bouchard and Charles Taylor.[113] After doing research for a year, they drew up a report in response to public discontent concerning reasonable accommodation and formulated their recommendations to the government to ensure that "accommodation practices conform to Quebec's values as a pluralist, democratic and egalitarian society".[114] One key issue of this report that they address is the relationship between neutrality and secularism. The commission believes "a modern democracy demands the state be neutral or impartial in its relations with different religions,"[115] that is to say, it must be neutral regarding different comprehensive doctrines, including secular and religious conceptions. The question of understanding secularism therefore cannot be deprived of the framework of a neutral state with respect to the comprehensive doctrines its citizens hold. Nevertheless, they also believe that a democratic liberal state cannot be neutral among some fundamental constituent values of democratic political

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[113] See Zhang Tu, "Charter of Quebec Values: New secularism challenge for Quebec," in *Leiden Law Blog*: http://leidenlawblog.nl/articles/charter-of-quebec-values-new-secularism-challenge-for-quebec.

[114] Charles Taylor & Gerard Bouchard, *Building the Future: A Time for Reconciliation* (Bibliotheque et Archives Nationales du Quebec, 2008) 17.

[115] Ibid., 134.

systems. The commission argues that the state must "remain neutral in the realm of core beliefs and commitments."[116] In other words, the neutrality principle that they adopt "is not only an attitude of neutrality toward religions but also toward the different philosophical conceptions that present themselves as the secular equivalents of religions."[117] As far as the commission is concerned, secularism as the separation of state and religion replaces the established religion as the foundation of a state's comprehensive doctrine. It in turn encourages an inclusion of "an array of values and principles", including religious outlooks, into common political principles.[118] Simply put, the way to formulate Thesis S in accordance with the state neutrality principle would be like Thesis S2'. These views are not held just in North-America: this particular approach to understanding the relationship between the neutrality principle and secularism is also, to some degree, largely shared in Europe.

In 2005 in Italy, Mrs. Soile Lautsi requested the school council of a state school in the province of Padua to remove the crucifixes in classrooms since it impedes her children's freedom from religion, which follows from the freedom of religion clause. Her request was denied by the school and her subsequent lawsuits in Italy were denied as well. This case was first brought to the European Court of Human Rights in 2006, and was supported as the court declared there had been a violation of human rights according to Article 9 (freedom of thought, conscience and religion) and Article 2 of the first Protocol (right to education) in 2009. The Italian government later made an appeal to the grand chamber of the court, and the case went on to cause Europe-wide upheaval. In 2011, the Court's grand chamber overruled the court's decision of 2009 and decided that the requirement of displaying crucifixes in classrooms of state schools in Italian law was not a violation of Article 2 of Protocol No. 1 and Article 9 (reached by 15:2 votes).[119] The court argued that "States have responsibility for ensuring, neutrally and impartially, the exercise of various religions, faiths and beliefs. Their role is to help maintain public order, religious harmony and tolerance in a democratic society, particularly between opposing groups",[120] while a crucifix on a wall is only a passive symbol which cannot be deemed to have an influence on pupils. One of the concurring opinions of the court also argued that to allow all religious denominations to freely manifest their religious convictions in state schools is "a demonstration of religious tolerance and state

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[116] Ibid.

[117] Ibid.

[118] Ibid, 134-135; and Jocelyn Maclure & Charles Taylor, *Secularism and Freedom of Conscience* (Jane Marie Todd trans., Harvard University Press, 2011)9-14.

[119] See https://en.wikipedia.org/wiki/Lautsi_v._Italy.

[120] Case of *Lautsi and Others v. Italy*, No. 30814/06, § 60, ECHR, 18 March 2011.

neutrality". [121] The concurring opinion from Judge Bonello and Judge Power straightforwardly pointed out that removing the crucifix would have been "a positive and aggressive espousal of agnosticism or of secularism, and consequently anything but neutral."[122] Along with the Consultation Commission of Quebec, they argued that a preference for secularism over an alternative world view, or comprehensive doctrines in Rawlsian language, is not a neutral option. In the same vein as the Quebec report, Judge Power also believed that the state had a duty to uphold the state neutrality principle when it comes to public education; however, neutrality requires a pluralist approach which "encourages respect for all world views rather than a secularist one".[123]

These two independent cases in North-America and Europe have shown an essential resemblance in terms of the relationship between the neutrality principle and secularism. The reasoning behind the Quebec report and that of the majority judges in *Lautsi v. Italy* (2011) undercuts the envisioned relationship between the neutrality principle and secularism upheld by Ackerman and Larmore, and therefore undermines the interpretation of Thesis S as Thesis S2. These two examples reveal a conspicuous approach of interpreting neutrality in a more accommodative and open fashion, namely, as Thesis S2'. According to the reasoning behind these two cases, a state is neutral not when it abstains from taking a stand in comprehensive views, but only when it encourages or positively supports all comprehensive doctrines, including religious ones, therefore religious manifestations are ought to be allowed and religious views cannot be outcast from public justification. The neutrality principle therefore does not necessarily entail secularism. As a result, the form of Thesis S2 as an interpretation of the separation of state and religion is, at best, inaccurate.

In short, I argue that to interpret the separation of state and religion (Thesis S) as the neutrality principle (Thesis S2) is untenable primarily for three reasons. One, the way political liberals formulate the neutrality principle is not specific to what the goal of public justification requires. Two, and more problematically, the neutrality principle itself is very likely to be subject to reasonable pluralism as well.[124] What Thesis S2 prescribes, a

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[121] See Concurring opinion of Judge Rozakis joined by Judge Vajic, Case of *Lautsi and Others v. Italy*, No. 30814/06, ECHR, 18 March 2011.

[122] See Concurring opinion of Judge Bonello and Judge Power, Case of *Lautsi and Others v. Italy*, No. 30814/06, ECHR, 18 March 2011. "The crucifix purge promoted by Ms Lautsi would not in any way be a measure to ensure neutrality in the classroom. It would be an imposition of the crucifix-hostile philosophy of the parents of one pupil, over the crucifix-receptive philosophy of the parents of all the other twenty-nine." See Concurring opinion of Judge Bonello, Case of *Lautsi and Others v. Italy*, No. 30814/06, §3.6, ECHR, 18 March 2011.

[123] Concurring opinion of Judge Power, Case of *Lautsi and Others v. Italy*, No. 30814/06, ECHR, 18 March 2011.

[124] It is not clear for why Rawls also admits that the term neutrality is in itself unfortunate. He just

neutral attitude with regard to all religions, is still less clear-cut. For instance, Thesis S2 does not answer questions as to whether the state should sponsor all religions in an impartial matter, or whether the state should not let religions mingle with political decision making. Three, connected with the second complaint about the neutrality principle, state neutrality can be characterized in two ways, which leads to two possible versions of Thesis S2: Thesis S2'and Thesis S3. One is to manifest its neutrality by incorporating all comprehensive doctrines, including religious ones, into public discourse, while the other is to exclude comprehensive doctrines, including religious ones.

VII. Concluding Remarks

Thus far, in this chapter, my task has been to provide a public justification for secularism, which rests on a successful answer to two problems. One is the problem of reasonable pluralism (P1), which marks the permanent feature of our democratic political culture. Reasonable citizens in a constitutional democratic society tend to disagree with each other in terms of comprehensive doctrines or conceptions of the good, which is "the natural outcome of the exercise of human reason" in a democratic society.[125] These disagreements are so fundamentally ingrained that they could deeply plague our conceptions of justice. It is of no use to convince religious believers that their deepest conviction of the ultimate meaning of everything is false, and it is also of no use to persuade atheists that the only truth of the world and morality is in God's hands. It is precisely because we take reasonable pluralism, this permanent democratic fact, into account; we abnegate seeking the only right conception of justice or moral truth as the moral basis for a democratic society. Instead, we retreat from the arguments in the metaphysical and comprehensive domain to the domain of the political. The quest for a moral conception of justice has hence transformed into the quest for its political legitimacy, the publically justified condition for the exercise of coercive political power against citizens.

The political approach of defending secularism itself cannot, however, resolve the second problem of P2, the confusion in interpretation of Thesis S, the separation of state and religion. A successful justification of secularism must solve both P1 and P2 *at the same time*. Tentatively, Thesis S can be interpreted from the widest meaning to the narrowest one: Thesis S1 refers to non-establishment of any single religion; Thesis S2 signifies state neutrality among all religions, and they are both untenable. Due to the

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said that while "some of its connotations are highly misleading, others suggest altogether impracticable principles." He therefore avoids neutrality by and large and only uses it as a stage piece. See John Rawls, *Political Liberalism*, 191.

[125] See ibid., xxvi.

deficiencies of the neutrality principle, state neutrality cannot work as a public justification. Two further interpretations depart from Thesis S2: Thesis S2' and Thesis S3. While Thesis S2' requires including all comprehensive reasons, including religious ones, in the public discussion, Thesis S3 prescribes restraint when it comes to bringing religious reasons into the public discourse.

Subsequently, the following four chapters are going to focus on discussing the options of Thesis S3 and Thesis S2', of which I will argue that Thesis S3 is the form of Thesis S we ought to uphold as a constitutional principle in a democratic polity. I will present a main argument for Thesis S3 in Chapter Three.

Chapter Three: In Defense of Thesis S3: on Shareable Public Reason

I. Introduction

In this chapter, I am going to present the justification for Thesis S3, the exclusion of religion from politics. The justification introduced here for Thesis S3 emphasizes the role the citizen body could play in politics, since it is built upon public reason shareable by all reasonable citizens in a democratic society.

Due to the fact of reasonable pluralism, reasonable citizens are bound to differ greatly on comprehensive doctrines; therefore, political liberalism proposes that we abstain from invoking the truth claims of our comprehensive doctrines in the justification of the political coercion of political institutions. In other words, political liberalism advocates shelving the truth issue of comprehensive doctrines in the justification of political legitimacy. Rather, the justification of political legitimacy will be conducted publicly; that is to say, it will be reached on the condition that all reasonable citizens are expected to endorse on account of shareable public reason consisting in a family of political conceptions supported by an overlapping consensus of reasonable comprehensive doctrines.[1] Since the requirement of shareability is a key characteristic of public reason, those comprehensive doctrines that cannot be shared, notably religious doctrines, are inescapably excluded from the realm of public reason for the public justification of political legitimacy. Therefore, the separation of state and religion as a constitutional principle will be formulated in the light of the restraint imposed by shareable public reason, which leads the separation principle in the robust sense that religion shall be separated from politics.

The point of defining Thesis S as the exclusion of religion from politics is not because religion is a less worthy conception of the good or an inferior epistemic belief. Moreover, citizens who hold religious beliefs shall not be coerced to endorse other beliefs, so long as they are reasonable. The reason that religious doctrines are not part of public reason lies in religious reasons' lack of shareability. Reasonable citizens cannot genuinely reason with each other on the subjects which cannot either be revealed as mistaken or be explained in the manner that is expected to be understood by others.[2] For this reason, public reason on a shareable basis is actually quite resilient and inclusive in that religious doctrines can still be included in it, provided that it can be supported by public reason. From this perspective, what we are excluding from public reason are reasons *out of* religious doctrines rather than religious doctrines *per se*.

The separation of state and religion as the exclusion of religion from politics constitutes a restraint not only applying to public officials, but more significantly, to

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[1] See John Rawls, *Political Liberalism* (Columbia University Press, 1996) 137.

[2] Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy & Public Affairs* 16(1987): 229.

ordinary, reasonable citizens. Public reason is concerned with political relations, and it understands a constitutional democratic government's relation to its citizens as fundamentally determined by basic moral and political values. As the name suggests, public reason is the reason of a state's citizens in general. Moreover, it is the "reason of equal citizens as a collective body to exercise coercive power over another in enacting laws."[3] Citizens also have a moral duty to refrain from deploying religious reasons which are not in the overlapping consensus of political conceptions in a democratic discussion of political issues in the public forum. I believe that, in a democratic regime, reasonable citizens do not merely share a public life together; they also share a "participant's perspective" on political matters. A "participant's perspective" impels reasonable citizens to employ justificatory public reasons that can be shared among all reasonable citizens in the public arena. Therefore, reasonable citizens are all able to equally examine a political conception's legitimacy on the same basis of matters that they all care about.

Here is how I shall proceed. In Section II, I will present the Rawlsian account of public reason for public justification accounting for political legitimacy. It is the political conceptions supported by an overlapping consensus of reasonable comprehensive views that provide the content of public reason for citizens to reason on fundamental political matters. In Section III, I will elucidate that due to the lack of shareability of religious reasons, religious doctrines cannot be introduced into public reason. Nonetheless, an inclusive reading of public reason would allow the inclusion of some religious doctrines as long as they can be endorsed by public reason as well. In Section IV, I will present the subjects of public reason, highlighting ordinary reasonable citizens. Also, I will explain the demarcation between reasonable citizens and unreasonable citizens and this demarcation's practical implication for unreasonable citizens. In Section V, I will consider a theoretical gap raised by Charles Larmore, which is that the shift to public justification of political legitimacy is not necessarily entailed by the rejection of appealing to comprehensive truth, and there should be an explanation to account for why we *must* turn to public justification. Hence the debates in the rest of my chapters about Thesis S3 will be conducted within the realm of public justification. For now, let us turn to the Rawlsian account of public reason for public justification.

II. Public Reason[4] for Public Justification of Political Legitimacy

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[3] John Rawls, *Political Liberalism*, 214.

[4] The idea of public reason has been often discussed and has a long history. For instance, Hobbes argues that those who insist on employing their own reason to determine the requirements of the law of nature asserting that "their reason is right reason, prevent a peaceful social life, for they are essentially insisting that we remain in the state of nature." Thus, for Hobbes, "a cooperative and peaceful social life requires a public mark of right reason that each gives up his own right to private judgment, provided that others do so, by settling on a sovereign, whose voice represents a voice of public reason." Locke also believes that peace and justice can only be secured when all private

As presented in the previous chapter, due to the fact of reasonable pluralism, John Rawls develops a project of political liberalism to discuss the issue of legitimacy or public justification, namely under what conditions the coercion of political principles can be publicly justified. The justification of a comprehensive conception is implausible in a democratic regime. In a democratic regime, if citizens cannot agree on or persuade each other that his or her own comprehensive doctrine is the only true one, it is unreasonable and wrong to use state power to coerce those who have disagreed.[5] According to Rawls, the political power is fully proper only when the political principles are expected to be endorsed by all free and equal citizens. And only "a political conception of justice that all citizens are expected to endorse can serve as a basis of public reason and justification."[6] Rawls argues that justification is reasoning addressed to others, and it requires some common ground from which the public reasoning can begin. Therefore, public reason in this sense can be shared by all free and equal citizens in a well-ordered society. In this section, apart from unfolding the foregoing account of public reason, I shall clarify the content of public reason, which is a family of political conceptions supported by an overlapping consensus.

2.1 Shared Public Reason for Public Justification

The concept of an overlapping consensus was introduced by Rawls in *Political Liberalism* (*PL*) to solve the instability problem of political conceptions of justice. The idea of overlapping consensus claims that reasonable comprehensive doctrines, each from its own point of view, could endorse a family of political conceptions of justice. Before explicating the concept of overlapping consensus, it is of some importance to explain what the concept was set out to do initially.

Rawls explains that although "the problem of stability has played little role in the history of moral philosophy, it is however fundamental to political philosophy."[7] Stability is more than the dominance of a particular conception of public justification over others. In *PL*, the search for stability is tightly intertwined with the fulfillment of public

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judgment is excluded, and the government serves as the public reason to interpret the moral order regulating interpersonal actions. Likewise, Kant's famous article "What is Enlightenment?" (1784) is also a perfect illustration of explaining how public life is possible. "Public reason allows us to avoid reliance on our own controversial private judgment about morality, rights and our civil interests, acting instead on impartial considerations that all can endorse." See Gerald Gaus, "Public Reason Liberalism", https://arizona.pure.elsevier.com/en/publications/public-reason-liberalism. Differing from these earlier liberals, Rawls' account of public reason is primarily concerned with the idea of democracy and emphasizes citizens' positive involvement.

[5] John Rawls, *Political Liberalism*, 138.

[6] Ibid., 137.

[7] Ibid., xix.

justification. A society can only be stable for the right reasons when it gains public justification,[8] namely, when its coercive power is justified to its citizens. What is noteworthy is that the stability of a conception of justice and citizens' moral motivations to act justly are both sides of the same issue. In *A Theory of Justice* (*TJ*), a conception of justice obtains its stability when it is congruent with citizens' conceptions of the good.[9] In other words, in a well-ordered society, a stable conception of justice designates that the society's citizens are morally motivated and driven to act justly since it is in accordance with their conceptions of the good. According to *PL*, a political conception of justice gains stability for the right reason when it is publically justified to its reasonable citizens. That is to say, a political conception of justice will only be stable when it is acceptable to and can be endorsed by all reasonable citizens.

In *TJ*, Rawls deals with the issue of stability in two stages. The first stage involves the acquisition of the sense of justice by the members of a well-ordered society.[10] According to Rawls, the sense of justice "would take place once just institutions are firmly established and recognized to be just."[11] The first stage of the stability issue is untouched by Rawls in *PL*. The problem of his treatment appears in the second stage of stability. The second stage examines the issue of congruence, that is, "whether the sense of justice coheres with the conception of our good" under the ideal conditions of a well-ordered society.[12] Rawls suggests that a person's conception of the good, or at least

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[8] Ibid., 390.

[9] John Rawls, *A Theory of Justice* (Harvard University Press, 1971) 453.

[10] See the full explication of the sense of justice in *TJ*'s chapter VIII.

[11] See in John Rawls, *A Theory of Justice,* 453.

[12] Ibid., 453. This is a very important restriction both for Rawls's project of political liberalism and for my argument for secularism. This restriction has limited the application of a political conception and all its subsequent discussions within a well-ordered society. It is in general for those educated common sense citizens in a deeply ingrained public democratic culture. The idea of public reason marks that the society we are discussing is a society where its citizens share equal status of citizenship. By setting that limit, neither Rawls's political liberalism nor my secularism is suitable to answer questions like: what about an uncivilized society? Or what about a totalitarian regime? Or even more, what about a religiously fundamentalist regime like Saudi Arabia? It is because societies like those do not have equal citizenship, and therefore they have no public reason, that "the mere fact that people commonly accept and reason in terms of some common religion or other comprehensive doctrine does not make that common doctrine part of public reason." Even if all citizens in Saudi Arabia accepted the same sect of Islam and appealed to such a religion as their common reason, it would by no means amount to making Islam part of public reason. Questions such as these are likely to arise (Samuel Scheffler has already asked similar questions in "The Appeal of Political Liberalism," *Ethics* 105(1994): 16-20): It is obvious that most of the severe contemporary political and social tragedies arising from religious intolerance do not occur predominantly in well-ordered, constitutional democratic societies. By removing those regimes from the discussion, to what extent is Rawls's or my discussion useful or even relevant? I explained part of this in section 4.3. Additionally, I do believe that a discussion in a well-ordered society precisely manifests the delicacy of fundamental political issues and how deeply reasonable pluralism divides us. After all, it is in relatively organized and

the thin conception of the good, "is determined by what is for him the most rational plan of life given reasonably favorable circumstances."[13] The thin theory's purpose is to "secure the premises about the primary goods required to arrive at the principles of justice."[14] Given the circumstances of a well-ordered society, the congruence between the sense of justice and the conception of the good has to fulfill two conditions: one, the sense of justice belongs to a person's conception of the good; and second, a person's conception of the good supports and affirms his sense of justice. That is to say, it is not only a rational good for a person to act justly, but his conception of the good would actually endorse the priority of acting justly when it conflicts with his other rational goods.[15] Rawls's argument for congruence involves his conception of person, account of rationality, and the Aristotelian principle, which is a principle about human nature entailing that human beings tend to desire to do more intricate activities than simple ones, and take the most joy in realizing their highest capacities.[16] First of all, according to Rawls, humans in nature are free and equal rational beings. It is a natural tendency for rational humans to express their free and equal human natures, which in turn require them to act from principles that would be chosen in the original position, namely the principles of justice. Thus, acting justly or the sense of justice is part of our rational good.[17] Moreover, the capacity for a sense of justice is complex and is among our higher capacities, which involves "an ability to understand, apply and act on and from requirements of justice."[18] According to the Aristotelian principle, the expression of human beings' nature by affirming the sense of justice is a fundamental element of the rational good. Therefore, realizing our sense of justice by acting justly is intrinsic to our human nature, and subsequently we affirm the sense of justice as a highest-order good within our rational conception of the good.[19] Thus far, Rawls concludes that those two conditions of congruence have been met.

Nevertheless, Rawls later realizes that, in the second stage of addressing the issue of stability, he failed to consider the fact that reasonable citizens are bound to disagree profoundly when it comes to their conceptions of the good, including their religious,

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democratic societies that hard cases of reasonable pluralism arise.

[13] Ibid., 395.

[14] See ibid., 396.

[15] Brian Barry has argued that Rawls's argument of congruence is both "unnecessary and wrongheaded." It is unnecessary "because Rawls has already shown how people normally come to acquire a sense of justice to support just institutions," and that should be enough here. According to Barry, the congruence argument "stems from Rawls's rejection of the idea that a person can be motivated to do what is right and out of a sense of duty." See Samuel Freeman, "Congruence and the Good of Justice", in *The Cambridge Companion to Rawls* (Cambridge University Press, 2003)281-282.

[16] See John Rawls, *A Theory of Justice*, 424-428.

[17] See ibid., 395-397.

[18] Ibid., 443.

[19] See Samuel Freeman, *Congruence and the Good of Justice*, 292-294.

philosophical, or ethical beliefs (in *PL*, they are all included in the umbrella concept of "comprehensive doctrines"). Due to reasonable citizens' profound divergences in comprehensive doctrines, their sense of justice does not necessarily form a part of their conceptions of the good, let alone that it is the regulative good that motivates their actions. Subsequently, the congruence of the sense of justice and the conception of the good cannot be sustained. Moreover, the fact of reasonable pluralism is not a disaster or unfortunate in itself; it is a permanent and "natural outcome of the activities of human reason under enduring free institutions."[20] It follows that the previous picture of congruence that it is in everyone's fundamental and intrinsic good to fulfill their higher capacity as sense of justice has to be redrawn. And consequently, the issue of stability has to be reconstructed as well.

The issue of stability in *PL* is taken together with the search for the public justification for the political legitimacy of political institutions and policies, which Rawls understands as the exercise of coercive political power. A society can only be stable for the right reasons when it gains public justification, and demonstrating stability for the right reasons is also part of public justification.[21] Simply put, a political conception's stability for the right reasons follows from the satisfaction of public justification. In *PL*, Rawls's effort in reaching public justification for political institutions' legitimacy is made through public reasons that are shareable among all reasonable citizens, reasons whose content is a family of political conceptions supported by an overlapping consensus of reasonable comprehensive views.[22]

Four major elements are entailed by this account of public reason. First of all, given the fact of reasonable pluralism, reasonable persons do not all affirm the same

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[20] John Rawls, *Political Liberalism*, xxvi.

[21] Ibid., 390.

[22] Rawls's original statement is as follows, "[O]ur exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason." See ibid., 137.

Rawls restricts the use of public reason only to fundamental political questions as "constitutional essentials and questions of basic justice". Rawls identifies two kinds of constitutional essentials: one is "fundamental principles that specify the general structure of government and the political process, including the powers of legislature, executive and the judiciary and the scope of majority rule." The second kind is "equal basic rights and liberties of citizenship that legislative majorities are to respect, such as the right to vote and to participate in politics, liberty of conscience, freedom of thought and of association, and the protections of the rule of law." See ibid., 227. Whether the scope of public reason only applies to "constitutional essentials and questions of basic justice" or to a wider realm, including laws, is highly disputed in the discussions on public reason. However, I believe such a dispute is not really disputable. Apart from the characterizations of two kinds of constitutional essentials, there is no evidence that Rawls has defined what qualifies as "questions of basic justice". And thus we cannot reasonably confine the scope of "questions of basic justice" when it comes to laws.

comprehensive doctrine as true, such as autonomy, or the good of some particular or all religions. The insistence on the claim of truth in politics is regarded as "incompatible with democratic citizenship and the idea of legitimate law."[23] Instead, we should regard a conception of justice as political, independent from controversial comprehensive doctrines, since it starts from within the democratic political tradition and applies to the basic structure of a modern constitutional democracy. It is precisely why we say that the fact of reasonable pluralism has steered the political approach to justification. Precisely because of this political approach, religious doctrines are excluded from public reason and justification. Secondly, on the basis of this view, in public reason, ideas of truth based on comprehensive doctrines are replaced by an idea of reasonableness, which is "necessary to establish a basis of political reasoning that all can share as free and equal citizens."[24] Thirdly, for Rawls, the notion of reasonableness comes along with the subjects of public reason as reasonable citizens. Rawls argues that reasonable citizens view each other "as free and equal in a system of social cooperation over generations", and "they are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conceptions of justice."[25] When citizens agree to act on those terms, they are willing to act against their own interests provided that other citizens also do so.[26] Therefore, Rawls has already set two prerequisite conditions for citizens and society as the common ground from which we proceed, since public justification is not simply regarded as a valid argument from premises; rather, it is addressed to others, especially to those "who disagree with us", and therefore must always proceed from "the common ground that we and others publicly recognize as reasonable".[27] One, we have a presumed idea of the society as a well-ordered, fair system of social cooperation, and two, we also have a political conception of people as free and equal citizens to go along with the assumed conception of society. These two presumptions are necessary societal conditions for political justifications for political conceptions of justice. As long as we begin from such a common ground, we are engaged in public reasoning addressed to other reasonable citizens. Lastly, the political conception's public justification is reached when an overlapping consensus forms. An overlapping consensus "happens" when a family of political conceptions of justice is at least not too much in conflict with reasonable comprehensive doctrines.[28] In other words, political conceptions of justice would gain enough support in spite of their possible

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[23] John Rawls, "The Idea of Public Reason Revisited", *The University of Chicago Law Review* 64(1997): 771.

[24] Ibid., 799.

[25] Ibid., 770.

[26] Ibid.

[27] John Rawls, "Justice as Fairness: Political not Metaphysical", *Philosophy & Public Affairs* 14 (1985): 229.

[28] John Rawls, *Political Liberalism,* 387.

conflict with other comprehensive doctrines. The values of the political are very important, intrinsic values and therefore they are not easily overridden by comprehensive values.[29] The subject of the overlapping consensus is thus those political values or ideals which would be endorsed by all reasonable citizens in a well-ordered society, and which in turn form the foundation for public reason.[30] Public reason holds that fundamental political decisions are to be settled by appeal to these political values, which are expected to be cognized, understood, and shared by all reasonable citizens.

A key question hence arises: how is the idea of overlapping consensus possible? Specifically, how to make sure that political conceptions of justice gain enough support in spite of their possible conflict with other comprehensive doctrines? In other words, how to make sure citizens will believe political values outweigh or are prior to non-political values? This question stays at the center of the debate about my interpretation of Thesis S as S3 and of the plausibility of the project of political liberalism as well. For this reason, the answer will be developed and strengthened more extensively in the following chapters. For now, generally speaking, I have two remarks here. One is that the political values are very important intrinsic values, and therefore they are not easily overridden by comprehensive values.[31] These political values govern the basic aspects of our communal life and specify the fundamental conditions of social cooperation. They protect basic rights and also include measures to secure citizens' exercise of those basic rights. For example, when the political virtues of tolerance and reasonableness are widespread and serve as a political conception of justice, they form the foundation of a society's political culture. They are what constitute "the very conditions that make fair social cooperation possible."[32] Reasonable citizens perceive the political values' significance from the perspective of their reasonable comprehensive doctrines, and they must think about what kind of other doctrines they would prefer to live with in a free society. That is why values like "justice for the basic structure, equal political and civil liberty," "equality of opportunity", mutual respect, reasonableness,

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[29] Rawls has supplied two mutually complementary answers to this general question: one is normative (that political values themselves are very important), and the other is historical. Rawls believes that the history of religion and philosophy proves that there can be a wider realm of reasonable values interpreted as congruent with or at least not in conflict with the values of the domain of the political. See ibid., 139, 156-7.

However, I do not agree with Rawls on the historical point in particular, and it is a very important point. I do not believe the historical experience is able to explain how an overlapping consensus is possible in general. In fact, I do not believe any factual evidence could be a substantive reason here. After all, any historical argument could be easily overruled by any new incoming situation, and we cannot use successes in the past to prove that the success of congruence is going to last into future. As Rawls himself claims, "History is full of surprises" (ibid., 87.).

[30] Jonathan Quong, *Liberalism without Perfection* (Oxford University Press, 2011)185.

[31] See John Rawls, *Political Liberalism*, 139.

[32] Ibid., 157.

liberty of conscience, and so on are pivotal values in a well-ordered democratic society.[33] Two, the hope of forming an overlapping consensus actually lies in the assumption that each reasonable citizen accepts the "political conception as *reasonable* from the standpoint of their own comprehensive view."[34] An overlapping consensus is therefore not merely founded on a convergence of self or sectarian interests, whereas an affirmation of the same political conception of justice does not make people's own comprehensive views any less assertive. The "fundamental ideas of the political conception are endorsed by the reasonable comprehensive doctrines," which "represent what citizens regard as their deepest conviction."[35] The other essential point rendering an overlapping consensus possible therefore lies in a sufficient explanation of what is reasonable, which I will turn to in the next section. Before moving on to that point, I shall stress a common confusing point associated with the concept of "overlapping consensus".

2.2 The Content of Public Reason: an Overlapping Consensus of Political Values

A significant point in understanding the concept of overlapping consensus is that it is fundamentally moral. An overlapping consensus of a political conception is not a compromise or a *modus vivendi* between those who hold different views. Such a misunderstanding of an overlapping consensus is quite widespread in contemporary political philosophy literature. Partly this is because the freestanding character of political conceptions of justice is not appreciated, and partly because the moral character of an overlapping consensus is still underestimated.[36] The two graphics below show a *modus vivendi* understanding of overlapping consensus and the correct way to understand an overlapping consensus respectively, and I will explain these two illustrations afterwards.

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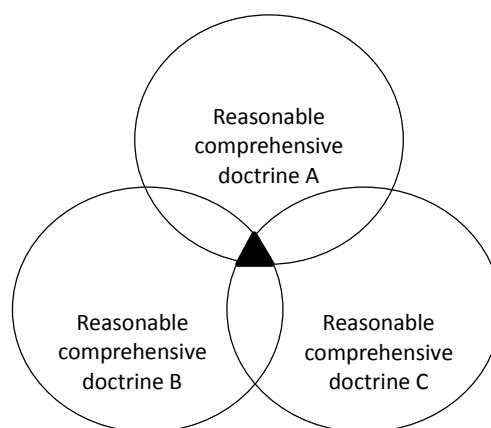
[33] See ibid., 224.

[34] Ibid., 150.

[35] See ibid., 392.

[36] For example, Charles Taylor has understood overlapping consensus simply as a convergence of what we have in common. See Charles Taylor, "The Meaning of Secularism," *The Hedgehog Review* 12(2010): 23-34.

(Figure 1: a *modus vivendi*)

A family of political conceptions of justice

Reasonable comprehensive doctrines:

doctrine A   doctrine B   doctrine C
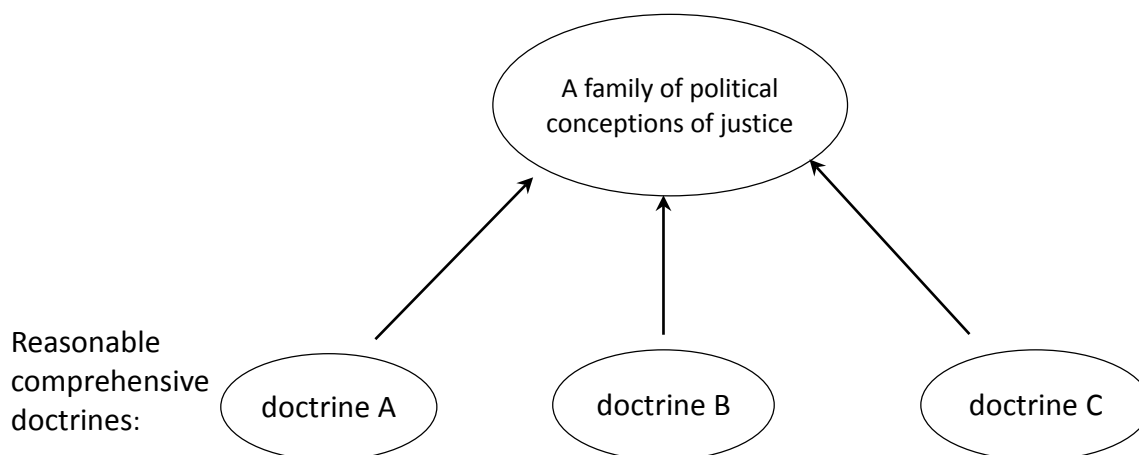
(Figure 2: an overlapping consensus)

When we speak of a reasonable overlapping consensus, it involves two levels of doctrines: comprehensive doctrines and political ones. At the point where an overlapping consensus is reached, all comprehensive doctrines, both religious and nonreligious, support "a political conception of justice underwriting a constitutional democratic society" satisfying "the criterion of reciprocity".[37] That is to say, political conceptions of justice in an overlapping consensus are all based on underlying ideas of free and equal citizens and a fair, cooperative society.

A typical use and conception of *modus vivendi* between different doctrines is what Hobbes had in mind. In his view, individuals with different conceptions of the good would struggle and balance their powers until a bargain is reached, which is purely prudential. Sticking with the bargain is therefore in every party's best interest. However, such a *modus vivendi* is highly unstable in nature as it is a hostage to the shifting of power.[38] If the power of each party changes or any condition ceases to be the way it was, individual parties will lose any reason to uphold the agreement. In parallel, the stability of a social consensus which is founded on sectarian interests or on the outcome of political bargaining is contingent on the maintenance of its background circumstance.[39]

However, the idea of overlapping consensus is to be distinguished from *modus vivendi* in two respects, both of which are relevant to the moral character of the idea of overlapping consensus, and it is also precisely the moral character of overlapping consensus that makes it stable. That an overlapping consensus is moral means that the

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[37] John Rawls, "The Idea of Public Reason Revisited", 801.

[38] See John Rawls, *Political Liberalism*, 147-148.

[39] Ibid., 147.

objects of the overlapping consensus, the political conceptions of justice, are also moral conceptions.[40] Besides, it is also affirmed on moral grounds, as the political conceptions of justice are embedded in or congruent with their underlying moral values.[41]

An overlapping consensus is by no means a *modus vivendi*; nonetheless, a *modus vivendi* can become an overlapping consensus over time. This development can be shown by the example of religious toleration in the 16th century.[42] There was no overlapping consensus on the political principle of religious toleration. However, the bloody religious disputes made Catholics and Protestants accept toleration as a mere *modus vivendi*, on the condition that neither of them were to gain the upper hand in terms of power. In that situation, no faith was dominant, and that is how the toleration was reluctantly accepted by both parties. Nevertheless, as time went by, the *modus vivendi* of toleration became the only workable alternative to endless and destructive civil strife. More importantly, citizens came to so appreciate the good things toleration had accomplished for them and for the society in general—for instance, guaranteeing them certain basic political rights and liberties, laying the foundation for democratic procedures, and so forth—that they would affirm toleration as a principle.[43] In turn, it might even gradually and delicately have guided their revision of those parts of their comprehensive doctrines which were conspicuously incompatible with such a principle. To this extent, citizens' comprehensive doctrines were reasonable even if they had not been reasonable before. A constitutional overlapping consensus is achieved when citizens have reasonable assurance that others all appreciate and comply with the political principle.[44] Steadily, as "the success of political cooperation continues, citizens gain increasing trust and confidence in one another."[45] The consensus's depth, breadth, and concreteness are strengthened. This process also applies to how religious citizens could accept the non-establishment clause, a state with no established religion. They realize such a separation protects their church from the government's dominance or interference and protects the integrity of their religious faith. They are able to appreciate that it is not wise to advocate or emphasize their religious outlook as a single dominating one, which might cause their religion's marginalization and even persecution. It cannot be emphasized enough that such an overlapping consensus of no established religion is *moral*, but not a *modus vivendi*. Such an overlapping consensus stems from our understanding of the priority of those fundamental political values that maintain fair social cooperation, such as equality, individual liberty, fairness of opportunities, "economic reciprocity", and so forth.[46]

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[40] Ibid., 147.

[41] Ibid., 148.

[42] See ibid.

[43] See ibid., 159.

[44] See ibid., 161-162.

[45] Ibid., 168.

[46] See ibid., 139.

2.3 Section Summary

The Rawlsian account of public reason consists in four main parts. (1) Due to the fact of reasonable pluralism, it is a freestanding and political project to begin with. (2) Also driven by the fact of reasonable pluralism, the truth claim is replaced by political reasonableness as the basis of public reason in the political domain. (3) Two basic presumptions are assumed for this public reason account, which are the free and equal standing of reasonable citizens and the idea of the society as a well-ordered and fair system of social cooperation. (4) Public justification of legitimacy is reached when an overlapping consensus on political conceptions of justice of comprehensive doctrines forms, which happens when comprehensive doctrines support a family of political conceptions of justice. Since the political values supported by an overlapping consensus are important values in themselves, and with the significance of the criterion of reasonableness taken into account, the formation of an overlapping consensus of reasonable comprehensive doctrines is plausible. An overlapping consensus is therefore a stable moral conception and supplies the requisite content to public reason. Therefore, on this account, public reasons can be shared among reasonable citizens.

III. Shareable Public Reason Justification: In Support of Thesis S3

3.1 The Exclusion of Religion in Public Reason Justification

Since the requirement of shareability is a key characteristic of public reason, it naturally follows that the most direct and notable implication of shared public reason as the basis for public justification is the exclusion of religious doctrines. Inasmuch as the comprehensive doctrines that cannot be shared, notably religious doctrines, are bound to be "unshareable" for all citizens.

Since religious doctrines are not expected to be endorsed by all reasonable citizens, they are not adequate candidates to form the basis for public justification. Nevertheless, the fact that religious doctrines fall short of being part of public reason does not mean that public reason amounts to secular reason, since an inclusive interpretation of public reason allows the incorporation of religious doctrines, if the religious doctrines are able to be supported by public reason.

Up to this point, I have to underline an important distinction between public reason and secular reason, as the adoption of Rawlsian public reason in effect excludes religious reasons from public reason and justification. Does this mean that public reason amounts to secular reason? Is public reason only a fig leaf for a blatant exclusion of and even hostility toward religion in the public discourse? I believe that both of the answers are

negative. On the one hand, public reason can have religious content as long as it can be explained or supported by secular reasons that we all can understand and share. For instance, the extension from liberty of religion to liberty of conscience explains how a political principle with religious content can still be supported. On the other hand, secular reasons can also be non-public and unendorsable. For instance, someone cannot refer to Jane Austen's books to argue for or against the laws of marriage.

Specifically, first of all, public reason and secular reason occupy different levels: public reason is for political justification while secular reason is fundamentally a comprehensive reason. Both secular and religious views contain deep and controversial doctrines that are not public in the sense that they can be reasonably accepted by most reasonable citizens. Rawls was fully aware of the relationship and confusion between these two categories of reasons. Apart from the emphasis on the difference between reasons in the political domain and comprehensive domain, he endorses an "inclusive view of public reason" that allows citizens to present what they regard as the basis of political values from their comprehensive doctrines, religious or nonreligious, as long as they eventually give properly public reasons to "support the principles and policies our comprehensive doctrine is said to support."[47] (By contrast, the exclusive view of public reason refuses to incorporate reasons in terms of comprehensive doctrines into public reason.)[48] On the basis of such an inclusive view, regarding the allegation of public reason's hostility to religion, we need to be very careful here with regard to the difference between religious doctrines and religious reasons. Although it is possible to include religious doctrines in the content of public reason, that does not mean it is an inclusion because of religion or for religious reasons. The inclusion of religious doctrines is *about* religion in terms of content; however, the inclusion of religious reasons or arguments is normatively pertinent to religion as such.

Religious doctrines can be incorporated into public reason if we see such a moral duty as a filter which only filters out those doctrines which are incompatible with reasonable political conceptions. Reasonable comprehensive doctrines, religious or nonreligious, could be introduced into the political discussion in the public arena, as long as there is a compelling political reason to support this introduction of comprehensive doctrines, if such an introduction in turn strengthens the ideal of public reason.[49] For instance, a religious doctrine based on the truth of the Church or the Holy book is certainly not a liberal comprehensive doctrine, and a comprehensive liberalism would need to reject such an account of truth. Nevertheless, a reasonable religious doctrine also could endorse a constitutional democratic society and recognize its public reason. Public reason does not "trespass upon religious beliefs…insofar as these are consistent with the

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[47] See ibid., 247; & "The Idea of Public Reason Revisited," 776.

[48] John Rawls, *Political Liberalism*, 247.

[49] See John Rawls, "The Idea of Public Reason Revisited," 784-785.

essential constitutional liberties, including…liberty of conscience."[50] That is why religious doctrines can be part of the content of public reason; however, public reasons are by necessity expressed in secular terms, at least. The incorporation of religious doctrines into the public arena is only because it helps enhance public reason, not because it is religious. In other words, religious doctrines are introduced into public reason not because they express religious reasons or religious values, but as a result of their endorsement of fundamental political values. Public reason admits the possibility of including comprehensive doctrines, including moral and religious aspects, although this possibility is founded on the condition that it can be deemed as supportive of political values and principles, which are nonreligious.

This reasoning is also consistent with Robert Audi's construction of secular reason, which could be fully aligned with a religious view, for example in affirming a universal right to liberty. Audi understands a secular reason as what engenders real normative force in advocacy or support of any political decisions.[51] Audi claims that citizens in a free and democratic society are obligated not to "advocate or support any law or public policy that restricts human conduct unless one has, and is willing to offer, adequate secular reason for this advocacy or support." [52] Audi even concedes that religiously inspired, impressed, and expressed reasons are allowed to be advocated, just like secular reasons, as long as a final decision to adopt a policy is fully guaranteed by secular reasons.[53] Audi explains that he does not favor public reason over secular reason for two reasons. Firstly, "a public could be ill-educated or blinded by prejudice;" secondly, the implication of using public reason in effect does not really differ from reasoning with secular reason as public reason also demands "public accessibility".[54] It is quite interesting that Audi's argument here is precisely the reverse of Rawls's. Rawls is not against religious reason *per se*; it is just that a normally religious reason does not belong to public reason. Audi, on the other hand, does not address the notion of public reason, but argues that religious reason cannot play the determinate role for people's rationale and motivation because it is too dangerous. I believe that the major merit of Audi's approach is the directness and clarity in practice; however, I also believe that his approach is unlikely to be a solid principle compared to public reason. First of all, a justified defense of Audi's approach will require a sufficient argument of the dangers and unfitness of religious reason, in

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[50] Ibid., 803.

[51] Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press. 2000) 86.

[52] Robert Audi, "The Separation of Church and State and the Obligations of Citizenship, " *Philosophy & Public Affairs* 18(1989): 279.

[53] See ibid., 279-280. Audi's such a view could find resonance from the 19th century Victoria writer W.K Clifford's "The Ethics of Belief". See W.K Clifford, "The Ethics of Belief", *Contemporary Review,* 29 (1876: Dec. – 1877: May) 289-309.

[54] See Robert Audi, *Religious Commitment and Secular Reason,* 90.

terms of religion in general and particular religions, which is likely to be at odds with the religious freedom principle in the first place. Secondly, such an argument goes against the fact of reasonable pluralism as it demands a comprehensive negation of religious ideas as a whole. In addition, I am inclined to leave the possibility open that in some cases religious reasons could still play a positive role in politics, provided that religious reasons also support the political values endorsed by public reason. All in all, I believe that the essential basis of political justification is embedded not in reason's source but in its publicness, namely, that it could be accepted by all reasonable citizens, which I will turn to in Section V in detail.

The landmark case *Sherbert v. Verner* (1963) can help show this distinction clearly. Sherbert was a member of the Seventh-day Adventist Church and originally worked as a textile-mill operator five days a week. However, she was asked to also start working on Saturdays, which contradicted with her religious belief. She thus refused and unfortunately, failed to find any other work elsewhere. Her claim for unemployment compensation was denied by the Employment Security Commission, and the decision was confirmed by a state trial court and the South Carolina Supreme Court. The U.S. Supreme Court reversed the commission and lower courts.[55] The majority opinion found that denying Sherbert's claim was unconstitutional, as the government created an infringement on a constitutional right to practice religion, meanwhile, in this case, the government does not have "a compelling state interest" to justify the burden on religious activity.[56] The Court's opinion may appear like an endorsement of Sherbert getting compensation for her religious claim. Nonetheless, what the Court fundamentally endorses here is her liberty of conscience, prevention of discrimination, and fairness of opportunities, which are all fundamental political values that we all can understand and share, and which are hence secured by public reason. Therefore, although public reason entails secular reason, it does not conceptually denote secular doctrines, nor is it solely embodied by secular doctrines.

Admittedly, the shareability feature of public reason in effect makes it amount to secular reasons in excluding religious reasons from the political domain. However, public reasons differ from secular reasons categorically as they are political reasons, while secular reasons are addressed in the comprehensive sense. If this categorical difference between public reason and secular reason had been taken into account sufficiently, some associated misunderstandings could have been avoided.

Christopher Eberle argues that, first of all, some justified secular reasons are not necessarily shared, and we can justify political coercion on the basis of different unshareable secular reasons. He imagines a hypothetic example in which the United States decides to invade Afghanistan, and American citizens can support this decision on

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[55] See https://en.wikipedia.org/wiki/Sherbert_v._Verner.

[56] See 374 U.S. 398 (1963).

the basis of differing unshared secular reasons, such as the promotion of democracy in Afghanistan, the safety of the United States, or for the well-being of the Afghan people.[57] These are all justified secular reasons to invade Afghanistan, while they are not shared by American citizens. Secondly, as for the unshareability which disallows religious reasons into public reason, Eberle argues that secular reasons, by the same token, may not be normatively compelling enough to justify political coercion after all.[58] Some secular reasons are not more epistemically impressive than so-called unshareable religious reasons in justifying political coercive actions, for instance, secular reasons in justifying the waging of a war.[59]

These two critiques exactly demonstrate the confusion in confusing secular reason and public reason. As for the first complaint, reasons being secular by no means guarantees their shareability; as shown in Section II, the basis we have proposed for political coercion's public justification is shareable public reason rather than secular reason. Being secular is inadequate for political coercion's justification and is also over-compelling in the light of inclusive public reason, which keeps the possibility of incorporating religious doctrines open. As for Eberle's second charge, likewise, apart from the lack of shareability, secular reason does not entail any epistemic superiority to religious reasons. Being secular alone does not earn reason any justificatory force by default. However, owing to the unshareability characteristic of religious reasons, I believe that there is a fundamental difference between the lack of justificatory force of secular reasons and that of religious reasons, inasmuch as the former deficiency is a form of reason's *uncertainty*, while the latter inadequacy is reason's *indeterminacy*.[60] Uncertainty is a position in which "I see arguments on all sides of some issues and do not find…one set of arguments stronger than the others", but "I am entitled…to declare that I am uncertain" about this, and "I do not need furthermore substantive reasons."[61] Suppose that the secular reasons are all laid on the table, to say that I am uncertain about whether we should support the war is consistent with both "we should" and "we should not", but not with "there is no right answer either way". However, the position of indeterminacy is different from uncertainty. If I am indeterminate about whether we should support the war, given all the religious reasons in front of us, just as there is no way to tell whether Picasso is a better artist than Mozart, it means that no exact comparison can be made

[57] See Christopher Eberle, "Consensus, Convergence, and Religiously Justified Coercion", *Public Affairs Quarterly* 25 (2011): 286.

[58] See ibid., 286-287.

[59] See ibid., 287-288.

[60] The distinction of "uncertainty" and "indeterminacy" is developed by Ronald Dworkin in *Justice for Hedgehogs* to explain the nature of moral conflict in ethical and moral life. He believes that the moral conflict we often face in life is actually uncertainty instead of indeterminacy; hence we *could* always make correct moral judgments, or there must be a true judgment for us to make after all. See Ronald Dworkin, *Justice for Hedgehogs* (Harvard University Press, 2011) 90-96.

[61] Ibid., 91.

between the two options since we cannot make commensurable judgments about them.[62] There is simply no way for us to decide whether we should support the war or not if what we are offered to contemplate on are only religious concerns.

However, Jeremy Waldron argues that the trouble induced by the incommensurability and unshareability of religious reasons has been over exaggerated. The presumption of religious reason's incommensurability and unshareability "underestimates the human capacity to conduct conversations" even in difficult circumstances.[63] He argues that the view that we can only converse after sharing some common ground is too conservative. The Rawlsian shareable public reason conception of public justification seems to rule out the novel or disconcerting move in political argumentation. Waldron continues, "Rawls' conception seems to assume an inherent limit in the human capacity for imagination and creativity in politics, implying as it does that something counts as a legitimate move in public reasoning only to the extent that it latches onto existing premises that everybody already shares."[64] I think Waldron is mistaken about the relationship between public reason and religious reason for the precise opposite reason. It seems that Waldron regards public reason as too timid and cautious in dealing with novel arguments and reasons; however, the problem of religious reasons for politics is not their novelty or creativity. On the contrary, religious arguments are some of the oldest arguments in human history (perhaps older than most moral arguments, deontological arguments, or consequential ones), and they are still incapable of being understood and shared by all reasonable citizens in a democratic society.

To summarize, the inclusive interpretation of public reason has enormously enlarged the possibility of incorporating those religious doctrines whose central values can be employed to support public reason. For this reason, the question of the shareability of religious doctrines has been downsized to the challenge of the shareability of religious reasons, namely reasons only derived from religion, which is not a common challenge. And the incommensurability of religious reasons does not leave much room indeed for sharing among all reasonable citizens holding various comprehensive doctrines. Moreover, the ineligibility of religious reason playing a role in public reason, resulting from its unshareability, applies to secular reasons as well, as the clarification of public reason and secular reason helps to explain away the confusion brought by secular reason's uncertainty in resolving political issues. Nevertheless, the clarification distinguishing public reason from secular reason does not clear the cloud that public reason unfairly privileges nonreligious citizens and doctrines over religious ones. The tension between public reason and religion in general will be much more extensively discussed in the following chapters.

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[62] See ibid., 90-94.

[63] Jeremy Waldron, "Religious Contribution in Public Deliberation", *San Diego Law Review* 30 (1993): 835.

[64] Ibid., 838.

3.2 Public Reason and General Will

The emphasis on shareable public reason might invite a question: does the shareable public reason of public justification resemble Rousseau's general will? It is worth noting that Rousseau emphasizes that it is the compliance with the general will that ensures the political machine's operation, and by virtue of that, it alone legitimizes the civil obligation of complying with the general will, "which without it would be absurd and tyrannical, and subject to the most terrible abuses".[65] However, I will explain that Rousseau's account is much stronger than the consensus approach, as the consensus approach's insistence on public reason is for the stability of the political society, whereas, according to Rousseau, it is directly pertinent to individuals' true freedom and their ability to realize their fundamental interests in the political society.

According to Rousseau, in the ideal form of social association, each individual, as a subject of the state, must obey the law, and at the same time he "will obey himself alone and remain as free as before" entering into the association.[66] The form of states or the basis of entering a public society "is a form of a social interdependence" among each individual that we unite together to protect persons and our goods, to develop and exercise our capacities and to broaden our ideas and feelings.[67] However, in this union, each individual also aims to secure our freedom, which defines our nature. In order to solve this problem, on the basis of the existence of social interdependence, Rousseau believes that in a society each member "puts his person and all his power in common under the supreme direction of the general will".[68] In order to understand how this general will works, Rousseau reminds us that, apart from every citizen's particular interest, all citizens share a conception of the common good, which is made possible because of the fundamental interests every member of society shares.[69] This society's "authority ultimately rests in such a shared understanding of the common good", inasmuch as "the social order ought to advance common interests corresponds to the fact that the [social] contract is a unanimous agreement among rational individuals who are [fundamentally] moved by self-love".[70] This motivation of self-love consists in two aspects; one is the natural concern for one's good as determined by certain natural needs, whereas the other

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[65] Jean-Jacques Rousseau, *The Social Contract* (Christopher Betts trans., Oxford University Press, 1994) 58.

[66] Ibid., 55.

[67] See Joshua Cohen, "Reflections on Rousseau: Autonomy and Democracy," *Philosophy & Public Affairs* 15 (1986): 277.

[68] Jean-Jacques Rousseau, *The Social Contract*, 55.

[69] See John Rawls, *Lectures on the History of Political Philosophy* (Samuel Freeman ed., Harvard University Press, 2007) 223-228.

[70] Joshua Cohen, "Reflections on Rousseau: Autonomy and Democracy," 278-279.

aspect of self-love puts such self-love into contact with others in a society.[71] This second aspect of self-love provides a psychological incentive for citizens to be willing to advance the interests of others. Rousseau believes that the idea of reciprocity[72] plays a psychological role in that it makes citizens willing to advance the interests of others so that each individual can come together to form a general will while every member "remains as free as before". As members of the state, citizens' choices and decisions are always made in the context of identifying with the common good. Simply put, it is the sharing of the common good of each citizen that forms a general will of citizens, which is not the will of the society as a whole as such but is what each citizen shares with all other citizens by virtue of the common good that they all share.[73] Citizens endorse the general will as a rule internally or as their own; therefore, they do not give over their freedom to anyone else in the political society. As such, to Rousseau, the protection of citizens' "being as free as before" is juxtaposed with them forming a general will on the basis of their social interdependent relations in the public society. To Rousseau, the unalienable freedom of citizens exactly consists in having a general will.[74] Moreover, the general will, which wills the fundamental interests that every individual shares, organizes other parts of his theory with regard to the complete picture of the social pact and political authority.

With regard to the possible conflicts of private judgments and public reason, Rousseau makes it clear that it is through the general will's regulative role that citizens' private judgments will not take precedence over the general will.[75] Consequently, citizens are truly free in the sense that they endorse the rules from the point of view of the general will; therefore there will not be sacrifice of individual freedom or loss of authenticity. Moreover, complying with the general will is contained within the general will as a "civil obligation".[76] Rousseau characterizes the sovereign (state) as one body consisting solely of the individual persons who form it. As one integrated body, the sovereign does not and cannot have interest conflicting with his citizens since the sovereign cannot want to harm his constituents, namely its citizens.[77] Nonetheless, Rousseau also concedes that each individual also has a private will "that is contrary or dissimilar to the general will that [s]he has as a citizen" in a political society.[78] Rousseau realizes that the private will of an individual can lead her to enjoy her rights as a citizen

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[71] See John Rawls, *Lectures on the History of Political Philosophy,* 198.

[72] This is a broad interpretation of Rousseau's amour-propre (self-love in a society, which involves seeing oneself in relations to others) according to Rawls. However, Rawls argues that it provides a motivation for a principle of reciprocity, but it does not amount to the principle itself. See ibid., 199.

[73] See ibid., 224.

[74] See Joshua Cohen, "Reflections on Rousseau: Autonomy and Democracy", 287.

[75] Jean-Jacques Rousseau, *The Social Contract*, 55-60.

[76] See ibid., 58.

[77] See ibid., 57-58.

[78] Ibid., 58.

while reducing her duty as a citizen, since her private will could make her believe that what she "owes to the common cause is a gratuitous contribution" while the loss of her contribution will harm others less than it burdens her.[79] Due to the danger of this individuals' inclination rendering the social pact empty, Rousseau argues that the social pact contains an implicit obligation "which alone can give force to the others."[80] If anyone refuses to obey the general will, he will be forced to be free in the sense that he will be compelled to do so by the whole body. In being forced to comply with the general will that we give to ourselves, we are forced to be free in a very different way than "if we are subjected to rules we each endorse from…our general will."[81] We can see that Rousseau views the general will as regulative; in the social pact we are driven by the self-love (amour propre) to advance our private interests endorsed by the general will, which is guided by the common good that we all share.[82] Citizens' choices and actions are regulated by the common good, and they are forced to comply with the general will to be "truly masters" of themselves.[83] In that sense, we say that a citizen's true freedom is always realized in a social association such as a state.

Unlike Rousseau's general will, the insistence on a shareable public reason basis of public justification presumes no such claim of freedom pertaining to citizens' own full justification.[84] It was mainly introduced to provide a solution to the problem of stability. The idea of public reason holds that "questions of constitutional essentials and basic justice are to be settled by appeal to political values that everyone in the society", "has

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[79] Ibid.

[80] Ibid.

[81] See John Rawls, *Lectures on the History of Political Philosophy,* 243-244.

[82] Ibid., 244.

[83] Ibid. Joshua Cohen supplements that, in order to ensure the regulative role, two aspects need to be taken care of: one is to "avoid arrangements that tempt people to subordinate their general will to their private advantage", and the other is to "assure those who are not tempted that their cooperation will not be abused." Institutionally, the problem is "to prevent individuals from being in positions where they are able to design or advance policies which have predictable benefits for themselves or are onerous for others," and thus to reconcile justice and utility. See Joshua Cohen, "Reflections on Rousseau: Autonomy and Democracy", 294-295.

[84] Political liberalism includes three kinds of justification: *pro tanto* justification of the political conception; full justification of that conception by an individual person in society, and public justification of the political conception by political society. *Pro tanto* justification means that public reason on the basis of freestanding political values can give constitutional essentials and basic justice reasonable answers. Nevertheless, it does not mean that freestanding political conceptions cannot be inserted into different comprehensive doctrines, and this is where the concept of "full justification" comes in. "Full justification is carried out by an individual citizen as a member of civil society." It means that a citizen can accept a political conception by embedding it into his or her own comprehensive doctrine as justifiable. Lastly, public justification happens "when all reasonable members of the political society carry out a justification of the shared political conception by embedding it in their several reasonable comprehensive views," in other words, when the reasonable overlapping consensus is reached. See John Rawls, *Political Liberalism*, 386-387.

reason to care about" in spite of their comprehensive doctrines.[85] If we take the fact of reasonable pluralism seriously, "justifications of a society's basic institutions that crucially depend on particular comprehensive doctrines would be destabilizing" as they cannot be shared by all citizens.[86]

IV. The Subjects of Public Reason

In the previous section, I mentioned that the accomplishment of an overlapping consensus of comprehensive doctrines partly relies on a generally reasonable citizen body, which constitutes the main subjects using public reason. In this section, I am going to illustrate the importance of this reasonable citizen body. Before getting into that though, I will discuss a special subject body in public reasoning: public officials.

4.1 Subjects I: Public Officials

For public reason theorists, the scope of the exercising subject of public reason is rather contentious. They argue that, the idea of public reason ought to only apply to public officials. For instance, Kent Greenawalt points out that there should be a distinction between public officials and ordinary citizens in political discussions, and the requirement of public reason should only apply to public officials.[87] "The government may withhold a public position from someone who expresses religious views that have disturbing implications for how he might perform his public duties."[88] This kind of view thus only requires public officials to understand the political values of liberty of conscience and the separation of state and religion, whereas it does not demand citizens to exclude their religious reasons from discussions of political issues. For example, Lawrence Solum portrays public officials as personas of the state so that "the statements of public

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[85] T. M. Scanlon, "Rawls on Justification", in *The Cambridge Companion to Rawls* (Samuel Freeman ed., Cambridge University Press, 2003) 139.

[86] See ibid, 161.

[87] Kent Greenawalt, "Religion, Law, and Politics: Arenas of Neutrality," in *Perfectionism and Neutrality: Essays in Liberal Theory* (Steven Wall and George Klosko ed., Rowman & Littlefield Publishers, 2003) 272.

[88] Kent Greenawalt, *Religion and the Constitution I: Free Exercise and Fairness* (Princeton University Press, 2009) 35, fn1. Greenawalt considers the differences between public officials and ordinary citizens as follows. Officials are more relevant and more familiar the law that is made and applied than do citizens. Public officials are more accustomed to and have more intellectual and epistemic power to make judgments based on public reasons which exclude personal judgments from of the scope of an overlapping consensus of political conceptions of justice. "[Ordinary] citizens are not familiar with practicing such restraint of public reason, maybe a highly educated, participating citizenry," which is not the case we are dealing with, "could learn to draw distinctions between what matters for most aspects of life and what matters for politics." See Kent Greenawalt, "Religion, Law, and Politics: Arenas of Neutrality," 272.

officials in their official capacity…are the statement of the state at large".[89] Therefore, it would be "unfair to allow public officials to express their own convictions of the good…for state action."[90] Audi goes even further in saying that he believes officials are bounded "even when they are not acting in their official capacities", inasmuch as they have "the greater information and social responsibility" attaching to their public positions, or "the wide visibility or significant influence of such people as role models."[91]

Rawls also emphasizes that the idea of public reason does not apply to all citizens in the democratic society indiscriminately. It is significant to deploy the idea of public reason as a legal duty only applying to public officials "when they speak on the floor of parliament, or to the executive and especially to the judiciary in their public acts and decisions."[92] Specifically, the requirement of public reason ought to apply to "the discourse of judges in their decisions", "the discourse of government officials" and "the discourse of candidates for public office."[93] However, it is not enough to merely apply public reason to public officials. Public reason is also part of the requirement of democratic citizenship, of a democratic society's free and equal citizens, who "exercise political and coercive power over one another in enacting laws and in amending their constitution."[94] Public reason requires that, as reasonable and rational citizens, they should be able to "explain the basis of their actions" mainly their voting "to one another in terms each could reasonably be expected to endorse."[95] This is what Rawls calls the "duty of civility", a moral duty among reasonable citizens themselves belonging to the

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[89] Lawrence B. Solum, "Constructing an Ideal of Public Reason," *San Diego Law Review* 30 (1993): 753.

[90] Ibid.

[91] See Robert Audi, *Religious Commitment and Secular Reason,* 92.

[92] John Rawls, *Political Liberalism*, 217.

[93] John Rawls, "The Idea of Public Reason Revisited," 767.

[94] John Rawls, *Political Liberalism*, 214. Jeremy Waldron claims that there should not be any difference between public officials and ordinary citizens in terms of public reasoning for two reason. One, although the distinction between public officials and ordinary citizens is prevalent these days, the idea of democracy ultimately negates such a distinction. Citizens are also active participants, just like public officials. Two, it also has to do with "the character of decision making by officials who have made politics their professions". It is within our expectation that "elected officials would represent the views of their constituents" in the sense that "they take notice of and be sensitive to what the people are saying." Waldron concedes that there are two small, insignificant peculiarities about judges. A judge has to "apply laws to particular cases as conscientiously as he can. He must think of himself as bound in his decision making by what the legislature has done in the way that the ordinary voter need not." Secondly, "the judge has an institutional duty to play his part" in that "he must follow precedent, and he is subject to all the constraints that flow from what the value of 'integrity'. Once again, this is not a duty that burdens the ordinary citizen." However, judges still have to make moral judgments in hard cases just like ordinary citizens, which implies that judges are not that different from other officials such as legislators. See Jeremy Waldron, "Religious Contribution in Public Deliberation," 827-833.

[95] John Rawls, *Political Liberalism*, 218.

ideal of democratic politics.[96]

4.2 Subjects II: Reasonable Citizens

A moral duty of civility is imposed by the ideal of democratic citizenship, namely citizens' duty to be able to explain to each other their arguments and vote with the political values of public reason on fundamental political questions.[97] It also includes "a willingness to listen to others' reasoning and fair-mindedness" in balancing and deciding each other's views.[98] These reasons not only ought to be understood by all citizens, but are also expected to be accepted by all citizens. When citizens engage in public issues, ideally, they picture "themselves as if they were legislators and ask themselves"[99] what laws supported by what kind of reasons are the most reasonable. Citizens fulfill their moral duty of civility and support the idea of public reason by "putting themselves into public officials' shoes". That is to say, by doing what they can to hold public officials to account. Citizens are "prepared to offer each other fair terms of cooperation according to the most reasonable conception of political justice"[100], and they would agree to act upon these conceptions on the condition that other citizens also do so. Therefore, in a constitutional regime where both public officials and citizens honor public reason on constitutional essentials or matters of basic justice, all public officials act from and on public reason, expressing the opinion of the majority in legal form, and the legitimacy of this political institution is hence satisfied.

The question is: why do citizens have such a moral duty to honor the limits of public reason? Are not the limits of public reason too narrow to exclude what we think are true or foundational reasons for our views? In particular, how is it possible for those who hold religious doctrines as the only truth to also uphold a reasonable political conception like secularism that supports a reasonable constitutional democratic regime? Especially since these religious doctrines may not prosper or even may decline under such a constitutional democratic regime, so how is it possible that they could still support a political conception like secularism supported by public reason? What is the requirement of democratic citizenship? These difficult questions will be discussed in greater breadth and depth in the following chapters. For the moment, I will introduce a "participant's point of view" of citizens to explain why it is a moral duty for reasonable citizens to use public reason.[101]

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[96] See ibid., 217.

[97] Ibid.

[98] Samuel Freeman, *Rawls* (Routledge, 2007) 380.

[99] John Rawls, "The Idea of Public Reason Revisited," 769.

[100] Ibid., 770.

[101] Rawls's own answers to the questions above rely on two aspects of democratic citizenship: an assurance of citizens' equal liberty and an understanding of the reasonableness of citizens. One is

What is worth noting is that public reason encourages a sufficient degree of positive willingness in citizens' attitude to be part of public life. Citizens not only share a public life together, they are also generally positive participants in a democratic regime in which we shape our public life together. And putting citizens into the perspective of participants adds a great deal to their views on fundamental political matters. Admittedly, even the most democratic regime is unlikely to have a citizen body in which every person is keen to take part in public life. A democratic society is still normally constituted by a great many positive participants, some nonchalant bystanders who do not care about politics and are not bothered to vote (for instance, the Amish, although maybe the last presidential election is an exception), and those unreasonable citizens (religious fundamentalists, and I'll come to this point later) who do not recognize the basis for a political society. However, if the number of those nonchalant bystanders and unreasonable citizens outweighs that of positive participants, namely, if there are more citizens who are not willing to take part in and even aim to destroy the public life than those who are willing, the sustaining of our democracy is in real jeopardy. The maintenance of constitutional democracy therefore must primarily demand a positive participatory citizen body in general.[102]

that religious believers or non-religious-doctrine holders must understand and accept that, given the fact of reasonable pluralism, except by endorsing reasonable constitutional democracy, there is no other fair way to ensure the equal liberty of its adherents with other reasonable free and equal citizens. An effort to establish a certain religion's hegemony or impose on citizens the obligation to ensure its influence and success amounts to putting the idea of equal basic liberties of free and equal citizens in danger. Moreover, in public reason, "ideas of truth or right based on comprehensive doctrines are replaced by an idea of the politically reasonable addressed to citizens as citizens." This is a basis that free and equal citizens all can share. To seek the public basis of justification for political conceptions, the difference between "persons" in standard political philosophy and "citizens" in political liberalism is vital. "We think of persons as reasonable and rational, free and equal citizens with two moral powers," in talking of citizens instead of persons, we put aside their social positions, group interests and divergent comprehensive conceptions of good. Citizens are those who "take part in a fair system of social cooperation in a well-ordered society," seek a public justification shared by all citizens in such a society, which must satisfy the criterion of reciprocity." See ibid., 782, 799-800.

[102] I would not be surprised if my readers think what I am advancing here reminds them of the characterization of classical republicanism. Rawls described it as follows: "without a widespread participation in democratic politics by a vigorous and informed citizen body, and with a general retreat into private life, even the most well-designed political institutions will fall into the hands of those who seek to dominate and impose their will through the state apparatus either for the sake of power and military glory, or for reasons of class and economic interest, not to mention expansionist religious fervor and nationalist fanaticism…The safety of democratic liberties requires the active participation of citizens who possess the political virtues needed to maintain a constitutional regime." See John Rawls, *Political Liberalism*, 205. In this sense, classical republicanism is compatible with political liberalism as classical republicanism does not presuppose a comprehensive religious, philosophical, or moral doctrine. In a later article "The Idea of Public Reason Revisited", Rawls admits this awareness of civil participation of citizens is one of the political and social roots of democracy, and is "vital to its enduring strength and vigor." See John Rawls, "The Idea of Public Reason Revisited," 769.

Let us see how to distinguish positive participants from nonchalant bystanders exactly first. Positive participants and nonchalant bystanders are all citizens and enjoy equal political rights in a democratic regime; it is how they view themselves as citizens and their perspectives on political matters that distinguishes them. As I see it, the most significant difference between citizens who are positive participants and citizens who are nonchalant bystanders is that the former consider political matters from a "participant's point of view".[103] Participants taking part in public discussion accept public reason as the reason they *should* take to guide their public life. Nonchalant bystanders do not share the reasons underlying a state's plans and decisions; instead, they still reason as individuals only. When a citizen takes a participant's point of view toward a political matter, his/her reason in the public discussion does not have to merely make sense to him/herself alone, it has to be accessible, understood and shared by a general citizen body as well, otherwise a genuine public discussion is impossible to formulate, not to mention the goal of public justification. That is to say, when a citizen reasons as a participant, s/he is genuinely willing to engage in a public discussion with fellow citizens, and s/he is also willing to adopt the statement that other citizens can understand and reason with him/her on the same basis. Therefore, under the circumstance of reasonable pluralism, a citizen could submit one's reason to the criticism of others, and also to find that "the exercise of a common critical rationality and consideration of evidence can be shared to reveal one's mistake."[104] Moreover, s/he can explain others' mistake by evidence, identifiable errors and so forth, in other words, not by solely insisting their individual views.[105] Public reason with the content of conceptions of justice in an overlapping consensus facilitates citizens to reach a public justification of a certain political conception. When a political conception's public justification is attained, the political power can be appropriately

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Moreover, Philip Pettit has argued that republicanism is never meant to oppose liberalism. Rather, replacing the concept of negative liberty, republicanism is rather a radicalization of liberalism. See Philip Pettit, *The Common Mind: An Essay on Psychology, Society, and Politics* (Oxford University Press, 1993) 304.

[103] My introduction of this term into my argument is largely inspired by H. L. A. Hart's "internal point of view" in *The Concept of Law*. According to Hart, the "internal point of view" expresses an essential feature of law. From the internal point of view, the law is not simply regarded as sanction-threatening, or a prediction of judges' decisions, but rather is obligation-laden. The reason I am bringing this term into public reason is because of the essential point of "internal point of view", an attitude of acceptance for inside participants rather than outsiders. When participants accept the rules, they treat the rules as the standard of their conduct, and they can legitimately criticize others when they fail to conform to the rules. Interestingly, Hart has made a very clear distinction between public officials and regular citizens in terms of the subject. For Hart, such an attitude of acceptance to the moral legitimacy of laws only applies to judges, not to regular citizens. Citizens can have a number of reasons to conform to the rules. They do not have to accept, or even understand the laws. See H. L. A. Hart, *The Concept of Law* (Oxford University Press, 1961) 56-123 (Chapter IV-VI).

[104] Thomas Nagel, "Moral Conflict and Political Legitimacy," 232.

[105] See ibid.

exercised, or, the legitimacy of such a conception is fulfilled. The idea of public reason signifies how the political relationship is to be understood by grounding political conceptions on the basic political values at the deepest level. Those nonchalant bystanders who insist that they should decide on fundamental political issues according to comprehensive values instead of public reason certainly are incompatible with democratic citizenship.

Perhaps we can show the difference between participants and bystanders more clearly from a simplified story of a hypothetical election. Suppose, a citizen Bob, votes for Candidate Claire, because they come from the same hometown. Or, as an Anglican, Bob votes for Claire only because she is also an Anglican, and she is as religious as he is. Bob can only trust and like someone if they have something in common, and he also believes that an Anglican candidate is more reliable than candidates from any other religious sect, let alone atheists. It appears that Bob has been a rather responsible participant here, since he cares about who holds the position in the public office and he might sincerely believe that he is being reasonable in voting that way. The problem is that Bob has no other reason that he can share with a general citizen body to convince others to accept his decision in voting for Claire. The best scenario is that other (very understanding) citizens can understand the decision that Bob votes for Claire, and they might even make the same decision—voting for Claire too for other reasons—but they cannot share or even understand the reason that Bob holds for his decision. The reason for Bob's decision is only intelligible to him. On the other hand, say, there is a citizen called Derek, who also votes for Claire. The reason Derek votes for Claire is that he believes she is competent, caring, and she would do everything to bridge the expanding gap between the rich and the poor, judging from her past work experience and possibly her campaign speech. Psychologically, Derek maybe even not be passionate as Bob in taking part in this election; Nevertheless, Derek has fully participated here, because compared to Bob's reasons, Derek's reasons can be understood, accepted, and even shared by a general citizen body. Furthermore, if there is hard evidence that Claire is not who she claims to be and she was severely corrupted in her previous occupation, and if Derek is made aware of that new finding, which has been proved to be true, he is expected to change his opinion or at least have second thoughts in that vote. If he still insists on voting for Claire regardless of that evidence (and if there is no other evidence in support of Claire's campaign), which is perfectly within his right, he might face some legitimate moral criticisms from other citizens. By contrast, Bob's reason for voting for Claire cannot be criticized or revealed to be false in any way. When someone objects to Bob's decision and reasoning, saying that Claire is not a qualified Anglican or being an Anglican is bad, Bob can hardly defend himself by explaining others' mistake except for insisting on his own religious view. It seems that Bob is taking part in this election, with all his enthusiasm, for reasons that are most convincing to himself. Nonetheless, Bob is

not viewing himself as a genuine participant in advocating a reason that is beyond everyone else's comprehension.

This hypothetical election story involving Bob, Derek, and Claire may seem too idealistic and hardly reflective of the contemporary political environment in many democratic states. After all, we do not have to take a poll to know that there are many citizens like Bob among the public who reason with their own comprehensive points of view while taking no consideration of public reason. There is a powerful objection that claims the following: considering only citizens like Derek as the real participants has posed excessive burdens on citizens. I believe that it is precisely such an objection that impedes the development and maintenance of a responsible and involved citizen body, and hence undermines the constitutional democracy. The details of my arguments against such an objection will be further discussed in chapter five.[106] However, for now, I only need to stress one point. The contemporary political actuality is disappointing(that many citizens simply vote for who they personally prefer, not to mention the fact that many citizens do not even bother to vote at all), but our understanding of what democratic citizenship should be like by no means needs to be constrained by the dismal current situation. As Rawls said, it is not a matter of law for citizens to understand and honor public reason, but such a moral duty "presents how things might be, taking people as a just and well-ordered society would encourage them to be".[107]

4.3 What About Unreasonable Citizens?

Given these denotations of reasonable citizens, a natural question arises: what about unreasonable citizens such as religious fundamentalists? Where to draw the line when we claim that someone is unreasonable? How to persuade them to be reasonable and accept this standard instead of their sole religious truth? Rawls's answer is that there is nothing more that could be said in addition to what we have already said.

> "The idea of the politically reasonable is sufficient unto itself for the purposes of public reason when basic political questions are at stake. Of course, fundamentalist religious doctrines and autocratic and dictatorial rulers will reject the ideas of public reason and deliberative democracy. They will say that

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[106] This objection is normally called "the integrity objection", which especially concerns the political conception of secularism. Such an objection holds that public justification imposes excessive burdens on people of faith because it restricts their adoption of religious reasons, which undermines their integrity. I will come back to this in details in chapter five. Christopher J. Eberle, Nicholas Wolterstorff, and Kevin Vallier are among the objectors. The integrity objection is also tied to "the fairness objection", which holds that public reason liberalism treats religious reasons and secular reasons unequally, giving arbitrary and unjustified preference to secular reasons.

[107] John Rawls, *Political Liberalism*, 213.

democracy leads to a culture contrary to their religion, or denies the values that only autocratic or dictatorial rule can secure. They assert that the religiously true, or the philosophically true, overrides the politically reasonable. We simply say that such a doctrine is politically unreasonable. Within political liberalism nothing more need be said."[108]

I also believe that it is impossible to use reason to persuade unreasonable citizens, i.e., religious fundamentalists, to accept the fact that it is perfectly reasonable that other people have different conceptions of the good other than theirs. Moreover, unreasonable citizens like religious fundamentalists, white-supremacy extremists, psychopaths, and so on usually reject that political society should be a fair system of social cooperation, and all citizens have free and equal moral standing. By rejecting the fact of reasonable pluralism and the basic presumptions of the society and people, unreasonable citizens and their unreasonable doctrines threaten the normative stability of liberal democratic polities.[109] Although citizens may have the right to do wrong things, they do not have the "right to be unreasonable", since rights exist "to permit or protect choices made within a limited domain" demarcated by other people's rights, and if "an act ceases to respect the right of others", it cannot be protected in the name of right either.[110] Therefore, those unreasonable citizens are not part of "the constituency of public justification", that is to say, the liberal state can legitimately exercise political power over unreasonable citizens though they find the exercise of political power unacceptable.[111] Furthermore, although unreasonable citizens are not to be included in the constituency of public justification they are still "entitled to the benefits of citizenship", such as freedom of speech. However, Quong argues that it is permissible for the state to "contain" those unreasonable doctrines and speeches by "preventing their proliferation".[112] It is compatible that, on the one hand, a religious fundamentalist can make fundamentalist claims in exercising their free speech, and on the other hand, the state takes actions to stop his claims from spreading. Unreasonable doctrines such as religious fundamentalist claims form no part of a theory of justice since they reject the fundamental elements in a liberal democratic society.

For instance, a religious fundamentalist will find these actions unacceptable: the abolishment of the crime of blasphemy, the legalization of same-sex marriages, and possibly the non-establishment of a state religion, just to name a few. Those are all constitutional matters and worthy of serious debate, which requires acceptable political decisions for all reasonable citizens. Although a religious citizen may also find these legal

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[108] John Rawls, "The Idea of Public Reason Revisited", 805-806.

[109] See Jonathan Quong, *Liberalism without Perfection*, 291, 300.

[110] Ibid., 307.

[111]   Ibid., 298, 314.

[112] Ibid., 298, 303.

actions *unjust*, he could still find them *acceptable*. A religious citizen, not a fundamentalist, would feel uncomfortable if his God were blasphemed against and he would prefer other people not do that, but he would not insist that the blasphemer deserves to die or be heavily punished. He might believe that a homosexual is inherently morally flawed and the legalization of same-sex marriage is against God's wish, but he would not claim that if someone is gay then he is inferior as a citizen. Likewise, his belief in his religion would not prevent him from defending equal protection of all religions. Similarly, a white-supremacist certainly would be against the equal standing of people regardless of their races in the constitution, which, as an opinion, has no weight in public reason.

4.4 Section Summary

In this section, I have discussed the subjects of public reason, which include public officials and ordinary reasonable citizens. Public officials as the representatives of state power must refrain from invoking comprehensive doctrines in politics. Ordinary reasonable citizens also have a moral duty to deploy public reason in the political forum. Such a moral duty of civility from the perspective of citizens who are positive participants warrants their support of an overlapping consensus of reasonable political conceptions.

When citizens are able to explain to others their political actions with the expectation that others can understand and accept their reasons, a public justification of a political conception is reached. In order to equally examine the legitimacy of political institutions and the legal system on the same basis, citizens as participants in a democratic state are encouraged to employ shared public reasons. Therefore, religious reasons which do not fall within the overlapping consensus of political conceptions are excluded from public reason in the political domain. The reason that a public justification of political legitimacy can be achieved is because, in spite of the divergences among citizens in terms of comprehensive doctrines, reasonable and rational citizens who participate in a fair-terms social cooperation need to seek a most reasonable political conception whose coercive exercise could be reasonably endorsed by the majority of citizens. The fulfillment of this need is fundamentally guaranteed by what democratic citizenship gives rise to. As for those religious fundamentalists who essentially denounce the free and equal standing of all citizens or fair cooperation in society, they shall not be treated as constituencies of public justification. Their endorsement or deprecation of our political institutions and legal system plays no role at all.

V. Why Do We Need Public Justification at All?

5.1 Between the Rejection of Truth and the Shift to Public Justification: a Gap

Continuing after the second chapter, this chapter has further pursued the political approach to the justification of political institutions, and I have argued for the public reason account of public justification for political institutions' political legitimacy. However, Charles Larmore proposes a question reminding us of a fundamental gap yet to be filled in the public justification of political institutions.

Larmore's question is: why should we believe that it is fundamentally important that the political institutions must be "rationally acceptable to all" (reasonable) citizens at all?[113] Simply put, why do we need public justification at all? In other words, why is the pursuit of agreement prior to truth in the political domain? His question suggests that the rejection of invoking truth in justifying a political principle does not necessarily lead to the approach of the principle of public justification. Larmore furthermore suggests that there could be a variety of options to fill in that gap other than the principle of public justification. For example, the problem of political legitimacy may be insoluble at all without appealing to truth; or we could organize our political life around some other principle such as "the maximization of the general welfare."[114] Why should we believe the following: since metaphysical and religious conceptions are no longer apt as bases of political principles, the master rule ought to be that political norms must be rationally acceptable to all citizens who are to be bound? There is clearly a gap between our refusal of comprehensive doctrines' political roles and our embracing of the principle of public justification. I would like to emphasize that the gap discussed here is not a rebuttal of the critiques concerning political liberalism's avoidance of truth claims, namely to defend why the political liberal approach stays clear of metaphysical truth.[115] Rather, the task is

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[113] Charles Larmore, "The Moral Basis of Political Liberalism," *The Journal of Philosophy* 96 (1999):619.

[114] Ibid. I believe this is a misleading example as such a master principle of political legitimacy other than the principle of public justification would have been excluded by Rawls, since it is also an assumption about the truth of a comprehensive doctrine, in this case, a moral doctrine.

[115] Most of *Political Liberalism*'s critiques have been engendered by its avoidance of discussing the question of truth. For instance, Joseph Raz has famously argued that Rawls's epistemic abstinence of truth could result in us accepting a false doctrine of justice on the basis of false beliefs. See Joseph Raz, "Facing Diversity: The Case of Epistemic Abstinence," *Philosophy & Public Affairs* 19(1990): 3-46. Onora O'Neill doubts Rawls's political liberalism whose normative claims are merely based on political reasonableness can be sustained without a moral theory of truth backing. See Onora O'Neill, "Political Liberalism and Public Reason: A Critical Notice of John Rawls, Political Liberalism," *The Philosophical Review* 1(1997): 411-428. David Estlund claims that "political liberalism must assert the truth and not merely reasonableness of its foundational principles that doctrines are admissible as premises in political justification," therefore the reticence about truth cannot be "waived across the board". See David Estlund, "Insularity of The Reasonable: Why Political Liberalism Must Admit the Truth," *Ethics* 108(1998): 252-275.

However, in Rawls's defense, the idea of the reasonable also makes an overlapping consensus of reasonable doctrines possible in ways the concept of truth may not. Accepting the conception of reasonableness means that we are open to the notion that there could be several reasonable or true comprehensive doctrines. The fact of reasonable pluralism being a permanent condition of public

to point out why the rejection of truth claims must take us to a public reason basis of public justification, which is an issue that only occurs after the rejection of truth. These are two distinct questions.[116]

Larmore's own solution to the gap between sidetracking truth and embracing public justification is the "equal respect for persons".[117] For him, it is the equal respect we have for each other that propels us to look for common grounds while lacking truth claims as independent criteria. I believe that Larmore has raised a significant question and a promising answer, but I do not believe that his answer *alone* suffices. Equal respect alone is practically too weak and inadequate to account for the full concern behind the principle of public justification. In a later article, Larmore has strengthened his account of equal respect in the sense of political liberalism. Larmore later argues that nothing in his "conception of a person or in the principle of respect" builds upon "individualist ideals".[118] For Larmore, "as persons we are, whatever our view of the good, beings essentially capable not only of thinking and acting for what we take to be reasons, but also of our capacity of reflecting on such reasons in the sense of examining whether what appear to be reasons really are good reasons."[119] Thus, Larmore deems the reason that "respect for persons has the position in political liberalism" is not "because it constitutes common ground and forms an object of reasonable agreement, but because it is what directs us in the first place to look for common ground, to seek the principles

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culture under free institutions makes the idea of the reasonable more suitable as part of the basis of public justification for a constitutional regime than the idea of moral truth. "Holding a political conception as true, and for that reason alone the one suitable basis of public reason, is exclusive, even sectarian, and so likely to foster political division". Nevertheless, Rawls underlines the point several times that political liberalism's abstinence of discussing truth by no means implies that political liberalism negates the criteria of truth of comprehensive views or deprecates their importance. Political liberalism does not, in any sense, criticize or reject any particular theory of truth of moral judgments. Conversely, political liberalism fully appreciates the importance of moral or religious truth. They are simply beyond the scope of political liberalism, as we are aware of the fundamental irreconcilability of diverse comprehensive doctrines including religious ones. Political liberalism does not aim to answer any questions regarding comprehensive views, not to mention to replace their criteria of what is true. Political liberalism's abstinence from engaging in questions of comprehensive doctrines precisely manifests the acceptance of the fact of reasonable pluralism and the awareness of the fundamental importance of our comprehensive religious and moral doctrines. More importantly, the reason that the truth of comprehensive doctrines does not concern political liberalism is because it is precisely the room political liberalism leaves for liberty of conscience. See John Rawls, *Political Liberalism*, 129, 394-395.

[116] Nonetheless neither Rawls nor Habermas provides an adequate answer to this question. They just presume the inevitability of the shift from comprehensive doctrines to the principle of public justification as the master basis.

[117] See Charles Larmore, "The Moral Basis of Political Liberalism", 621.

[118] See Charles Larmore, "Political Liberalism: Its Motivation and Goals," in *Oxford Studies in Political Philosophy Vol I* (David Sobel, Peter Vallentyne, and Steven Wall ed., Oxford University Press, 2015) 78.

[119] Ibid., 77.

of our political life in the area of reasonable agreement."[120] I believe that the inclination toward equal respect for persons is on the right track. Although Rawls does not explicitly spell out equal respect for persons as a moral principle, he does reckon that the free and equal status of all citizens is a prerequisite condition for political liberalism.

However, my problem is that the equal respect we have for each other does not *necessarily* direct us to look for common ground, nor does a common ground *necessarily* warrant acceptance from all reasonable citizens. Relations in the political domain include, on the one hand, the horizontal relationship between all reasonable citizens, whereas on the other hand, they are greatly highlighted by the vertical relationship between political authority and citizens.[121] While Larmore's proposal aims to focus on accounting for the vertical relationship in political life, it remains unexplained why equal respect alone could dictate my acceptance of political coercion. We need something else, together with the equal respect, for persons to explain the normative force of public justification of political legitimacy.

5.2 Impersonal Standpoint and Interpersonal Standpoint

Thomas Nagel's plan in answer this question has illustrated exactly what we deem is lacking here. He believes that the shift to the principle of public justification after the abstinence of truth talk regarding political legitimacy pertains to an "epistemological restraint": the distinction between what is needed to "justify a belief" and "justify the political coercion of a belief".[122] And the latter task demands a more stringent standard of objectivity, which he believes is impartiality independent of all comprehensive beliefs. Nagel defends a "highest-order framework of moral reasoning which takes us outside ourselves to a standpoint that is *independent* of who we are."[123] Nagel has brought us nearer to the core by identifying the distinctiveness of political coercion; however, political power exercised upon impartiality independent of all comprehensive doctrines is still not *necessarily* acceptable to all reasonable citizens. That is to say, there is no conceptual relation between the impartiality of political institutions and its acceptability to all reasonable citizens. A reasonable citizen may not accept the coercion of a certain law even if such a law is impartial to all reasonable citizens, since the principle of impartiality does not exclude the possibility that the law might be *impartially* irrelevant to all citizens. I understand that the point of this independent standpoint is to implore the state and each citizen to be fair to every reasonable citizen, but the problem is precisely situated at the "independent" standpoint. Nagel seems to imply that we cannot be

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[120] Ibid., 80.

[121] See Philip Pettit, *On the People's Terms: a Republican Theory and Model of Democracy* (Cambridge University Press, 2012)136.

[122] See Thomas Nagel, "Moral Conflict and Political Legitimacy," 229.

[123] Ibid.

impartial and fair to each other if we do not take ourselves out of our own standpoints. The thing is that, if we take a detached point of view, unless our purpose is merely descriptive, say, to observe and understand the organization of our society, there is no reason that we would be especially concerned about, or care about, the prescriptive question, such as the legitimacy of this political society that we dwell upon. Do we *have to* picture ourselves as someone who is outside of the political society to be fair to each other? Can we still be fair and reasonable to each other given that we are all committed participants within this political community and take the standpoint inside of the political community?

I believe that the problem of taking a detached point of view for evaluating political legitimacy is that the nature of political life is the *inter homines*, or more accurately, *inter cives* relations between every reasonable citizen in the same political community. It is perfectly possible for us to make observations and comprehend how the organism that is our political society works from an outside, Archimedean point of view. However, we cannot genuinely accept the normative force for us to act in an impartial and fair way to all others from that standpoint. Rawls's critique of the impartial sympathetic spectator may of some help to grasp the distinction between an Archimedean perspective and an internal one. Rawls argues that the adoption of an outside perspective essentially "mistakes impersonality for impartiality" since the outside spectator neglects the differences between individuals.[124] An Archimedean point of view is envisioned to interpret impartiality; however, if we identify ourselves as someone out of this society, we identify ourselves with every member of the society, and at the same time we stand for no one. We are tempted to imagine ourselves in the place of each person in turn, and balance all desires and satisfactions to determine the total result.[125] From the outside perspective, we "compare everyone's aspirations and approve of institutions according to the extent to which they satisfy the one system of desire in which we view everyone's desires as our own.[126] The total result would be "a conflation of all desires into one system of desire."[127] Therefore, an outside spectator is not the only, and actually not a good perspective that is impartial enough to make moral judgments. "Instead of defining impartiality from the standpoint of an outside spectator [litigator] who responds to the conflicting interests of others *as if* they were his own," we could define impartiality from the standpoint of the participants themselves.[128] The genuine normative force for my action derives from the attitude that I see myself as one equal member, just as everyone else, of my political community, and the progress of my political community is pertinent

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[124] See John Rawls, *A Theory of Justice*, 190.

[125] Ibid., 187.

[126] Ibid.

[127] Ibid., 188.

[128] Ibid., 190.

to my practical action.[129]

Political life ultimately aims to resolve the issue of how all human beings who share the same political community can live together, harmoniously and prosperously. Rawls's shift of political justification in the project of political liberalism exactly takes note of such a nature of politics. The importance of the fact of reasonable pluralism of comprehensive doctrines does not lie in those doctrines themselves; rather, it lies in the reasonable citizens who hold those comprehensive doctrines. Only doing the right thing according to moral truth could be a universal ethical standard for individuals in their ethical life, while politics is not *just* about doing the right thing, since the decision in politics is related to every citizen who lives in the same political society together with me.[130] For the sake of simplicity, but at the risk of crudeness, what essentially matters in politics is not any *truth of comprehensive doctrines* held by the people, but *the people* who hold different claims of comprehensive doctrines. This difference applies to moral life as well, as an ethical judgment makes a claim about what people should do, while morality is about how we should interact with other people, and the subject of morality is "how we should relate to one another."[131] Therefore, the previous epistemological restraint that Nagel brings about between "justifying a belief" and "justifying the political coercion of a belief" has omitted one step between them, which is "justifying a belief to other people". Hence, practical reason in morality and politics has a certain interpersonal or intersubjective character due to their natures. Since the moral point of view is an essentially "common and intersubjective perspective that emerges from attempts of moral agents in actual social interaction to articulate together the outlines of a common moral world," the practical reasoning in morality is essentially "robustly public".[132] I believe that the consideration of the justification of political legitimacy, namely the justification of the exercise of political coercion, instead of departing from the

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[129] I have to clarify that my aim is not to challenge the validity or intelligibility of the impersonal or detached point of view; rather, what I am calling into question is the desirability of such an impersonal point of view for the discourse of morality and politics. I understand that Nagel introduces the impersonal standpoint, just like the original position in Rawls's *TJ*, as a theoretical instrument to manifest the possibility to be impartial to all human beings when it comes to morality. Nevertheless, for my purpose here, if we can understand how to be impartial and fair to all reasonable citizens from a more direct and accessible perspective, the interpersonal standpoint, I don't see why we need to take the impersonal point into account.

[130] I follow the terminology of ethics and morality developed by Bernard Williams in *Ethics and the Limits of Philosophy* (1985) and adopted by Ronald Dworkin in *Justice for Hedgehogs* (2011). See Ronald Dworkin, *Justice for Hedgehogs,* 25, 426. And Christine M. Korsgaard also endorses such a grasp of morality. See Christine M. Korsgaard, "The Reasons We Can Share: An Attack on the Distinction between Agent-Relative and Agent-Neutral Values," *Social Philosophy and Policy* 10(1993): 24-51.

[131] Christine M. Korsgaard, "The Reasons We Can Share: An Attack on the Distinction between Agent-Relative and Agent-Neutral Values," 24.

[132] See Gerald J. Postema, "Public Practical Reason: An Archeology", in *Social Philosophy and Policy* 12(1995): 57-58.

impersonal, detached standpoint, it should depart from an interpersonal or intersubjective committed point of view which takes the political society as a whole into account. As Rawls and Nagel have illuminated, what is special about the domain of the political compared to the moral is that the justification of certain beliefs could lend the political authority legitimacy to force those beliefs upon all citizens. Therefore, the reason that the state should refrain from imposing the truth claim of any particular comprehensive doctrine is not because of the merit of other comprehensive doctrines, but rather out of respect for those citizens who hold all kinds of reasonable comprehensive doctrines.

Let me summarize the argumentative threads thus far. To begin with, Larmore reminds us of an easily neglected argumentative gap between the rejection of the truth claims of comprehensive doctrines and the adoption of public justification in political liberalism. He proposes to fill in the gap "equal respect for persons", which correctly lays the emphasis of political justification on persons who hold comprehensive doctrines, rather than the truth of any comprehensive doctrine. However, I believe that the gap is not yet adequately fulfilled, since "equal respect for persons" alone by no means entails the acceptance or endorsement of all reasonable citizens. We also need to look for the normative basis of reasonable citizens' acceptance of political legitimacy. And I argue that such a basis hinges on a committed interpersonal standpoint, in contrast with a detached Archimedean point of view, taken by reasonable citizens, which means that the exercise of political coercion has to make sense to all of them. That is to say, the justification of political legitimacy should be sensitive to all reasonable citizens, and would cease to make sense without them.

The favorability of public justification from the standpoint of the public (all reasonable citizens) is well displayed by Rawlsian public reason as shown in this chapter. Nevertheless, the standpoint of the public leaves two interpretations of thesis S available, and we have to decide which one is the more desirable interpretation: thesis S3, which Rawls has advocated and I would argue for, views public reason as the public avowing their shared reasons as a group agency representing *all* of us, and therefore unshareable reasons cannot be counted as public reason (this is also usually referred to as 'the consensus approach'); thesis S2', which views public reason as the convergence of reasons of *each individual* in the political community, and therefore all kinds of reasons and doctrines should be accommodated in the public sphere (also called 'the convergence approach'). The immediate task for me in the following chapters is to defend the former approach to thesis S and facing the challenges from the latter one.

VI. Conclusions and Objections

In this chapter, I have argued that Thesis S3 can be publicly justified on the basis of

public reason that can be shared among reasonable citizens, which is rooted in democratic citizenship. Public reason with the content of political conceptions of justice in an overlapping consensus facilitates citizens to reach a public justification of political legitimacy. This public reason approach is usually referred to "the consensus approach". Since in public reason, ideas of truth based on comprehensive doctrines are replaced by an idea of political reasonableness, a basis of political reasoning that can be shared among free and equal citizens is created. This shareability feature of public reason consequently excludes religious reasons from public reason and justification, and we thus arrive at the most exclusive version of thesis S, thesis S3; that the separation of state and religion requires the exclusion of religion from the political domain.

Thesis S3, secularism on the basis of public reason, considers gaining the majority support of reasonable and rational citizens as the ideal goal. It is nevertheless still subject to a wide range of critiques, from religious critics and some political liberals as well. They believe that the separation of state and religion ought not to be constrained to such an extent. They question the forming of an overlapping consensus and they argue that religious citizens can reasonably reject the idea of public reason and its moral duty of civility, in favor of a view that citizens should be able to advocate and vote on their deepest concerns, even if these are religious reasons alone, where fundamental political matters are at stake. For instance, they would argue that Bob's decision and reasoning in voting for Claire only because she is an Anglican is as tenable as Derek's reason to vote for Claire. Insofar as there is a convergence on a certain institution (e.g., laws) from individuals regardless of their motivations or reasons, they argue that we do not need to require a public shared reason underlying such a convergence, and hence there is no stark separation of state and religion. In the following two chapters, I will consider the convergence approach's critiques of the consensus approach at length. And finally, after addressing the challenges from the critics, I will come back to provide a final defense of the consensus approach in Chapter Six.

Chapter Four: Challenges from the Fact of Reasonable Pluralism

I. Introduction

In contrast to the consensus approach which argues for a shareable public reason, an alternative convergence approach believes that citizens shall be capable of considering and supporting the laws and political institutions from their own standpoints. Regarding the consensus approach's requirement of shareable public reason, I will summarize four major critiques raised by the convergence approach, which concern the *plausibility* and *desirability* of the requirement. In this chapter, my focus will be the two critiques of the first aspect, the *plausibility* of shareable public reason. The two critiques are both based on the fact of reasonable pluralism. The examinations of the two critiques intend to show that the consensus approach will not be rendered implausible due to the fact of reasonable pluralism. More significantly, I will claim that the fact of reasonable pluralism has to concede to a boundary of the value of justice, which is the foundation that the consensus approach is established upon. This concession is, however, compatible with, rather than in conflict with the undertaking of political liberalism.

The first critique, on the basis of the appreciation of the fact of reasonable pluralism, claims that the convergence approach does not believe that public reason can be shared at all, as reasons and beliefs are relative or subjective to each individual.[1] The second critique specifically questions the plausibility of the content of public reason, namely the possibility of reaching an overlapping consensus on a family of conceptions of justice. They argue that besides reasonable disagreements about comprehensive doctrines, there are also profound and fundamentally reasonable disagreements about justice. Hence, citizens are just as much divided by reasonable disagreements about justice as divided by reasonable pluralism of comprehensive doctrines. Therefore, it is unlikely such a consensus on conceptions of justice can be reached.

I argue that these two objections cannot survive further scrutiny. The convergence approach has pushed the fact of reasonable pluralism too far to destroy the objectivity of public justification. Regarding the second objection, granted that reasonable disagreements about justice are as profound as reasonable disagreements about comprehensive doctrines, the former disagreements nonetheless do not plague liberalism as much as the latter one. I will point out that reasonable disagreements about justice are

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[1] This point is mainly illustrated in Gerald Gaus's works. For instance, "Subjective Value and Justificatory Political Theory", in *Justification Nomos XXVIII*(Roland J. Pennock and John W. Chapman ed., New York University Press, 1986); *Justificatory Liberalism: an essay on epistemology and political theory*, (Oxford University Press, 1996); *The Order of Public Reason: a theory of freedom and morality in a diverse and bounded world* (Cambridge University Press, 2011).

already presupposed and even encouraged by the project of political liberalism. It is precisely our reasonable disagreements about the interpretations of 'what justice is' that push the understanding and realization of social justice forward. Furthermore, the former disagreements do not occupy the same level as the latter in that the disagreements about justice are still disagreements on the basis on the agreement of some basic assumptions. I will introduce a distinction between "justificatory disagreements" and "foundational disagreements" developed by Jonathan Quong to explain that.[2] Moreover, I will argue that the deeper reason that reasonable disagreements about justice are less foundational than reasonable disagreements about comprehensive doctrines is because we already share the foundational commitment to the value of justice, whose grounding values are freedom, equality, and fairness. In subscribing to the foundational value of justice, the fact of reasonable pluralism of comprehensive doctrines has also been limited by justice.

Here is how this chapter will proceed. In the next section, I'll explain the convergence approach's reasoning, including a standard account of the label of convergence and the religious critiques which also follow a convergence approach to public justification. The third section will begin with the convergence approach's critiques of the plausibility of public reason's shareability requirement, followed by the consensus account's refutations of the subjectivism critique and the asymmetry critique in the fourth and fifth sections respectively. In the sixth and seventh sections, I will unfold my argument that the consensus approach is deeply committed to the value of justice.

II. The Argument for the Convergence Approach

2.1 Overview of the Contrast between the Consensus Approach and the Convergence Approach

As already illustrated in the previous chapter, in *Political Liberalism*, due to the fact of reasonable pluralism, John Rawls shifted his main purpose from the quest for a conception of justice to its public justification or legitimacy that a political conception should be justifiable to all reasonable citizens in a democratic regime. Once we accept the fact that in a democratic regime, reasonable people tend to disagree with each other with regard to their comprehensive doctrines, it is clear that no moral foundation is sufficiently agreed upon as a public basis of justification for political conceptions on

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[2] Jonathan Quong, *Liberalism without Perfection* (Oxford University Press, 2011) 193.

fundamental political matters. Therefore, Rawls argues for a retreat from the discussions of comprehensive doctrines to look for a legitimate political conception's coercive exercise that is publically justifiable to all reasonable citizens, which together have divergent religious and moral beliefs.

With regard to the justificatory reasons for coercive political conceptions, political liberals divide according to two approaches. Political liberals such as Thomas Nagel, Charles Larmore, Stephen Macedo and Jonathan Quong adopt a *consensus approach* that public justification should be reached on the basis of public reasons that can be shared among reasonable citizens.[3] The alternative camp, mainly led by Gerald Gaus, argues for a *convergence approach* of public justification.[4] According to Gaus, public justification of certain laws or policies can be obtained as long as those laws are supported by all citizens who do not necessarily and do not need to share any common standpoint on supporting reasons. Fred D' Agostino nicely developed the contrast between these two approaches as[5]:

The consensus approach: A and B share the reason R or a set of reasons Rs to support the law L.

The convergence approach: A has a reason Ra to support the law L, B has a reason Rb to support the same law L.

Before I unfold the convergence approach's arguments further, two significant caveats need to be brought to attention. First, the public justification that the consensus approach puts forward at no point depends on actual endorsement but only needs to be

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[3] Their explicit endorsement of the consensus approach can be seen in Thomas Nagel, "Moral Conflict and Political Legitimacy", *Philosophy & Public Affairs* 16(1987): 215-240; Charles Larmore, "Political Liberalism", *Political Theory* 18(1990): 339-360; Stephen Macedo, "Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls" in *Ethics* 105 (1995): 468-496, "Why public reason? Citizens' reasons and the constitution of the public sphere", unpublished; Jonathan Quong, *Liberalism without Perfection* (New York: Oxford University Press, 2011).

[4] I need to make it clear that the division of the consensus approach and the convergence approach is not merely a division inside political liberalism. Rather, the convergence approach is also favored by a wider range than those political liberals who are against the consensus approach. For instance, Christopher Eberle and Nicholas Wolterstorff opt for a convergence approach without necessarily accepting the conception of public justification itself. The details are illustrated in 2.2.

[5] Fred D' Agostino, *Free Public Reason: making it up as we go along.* (New York: Oxford University Press 1996) 29.

The two approaches do not actually exclude each other. We can start with the convergence approach, but try to find more common ground in a society. While the convergence approach is a threshold approach, the consensus approach strives for a more ambitious ideal of living together. I thank Paul Cliteur for making this point so clearly.

endorsable. The criterion for public justification is not actual acceptance but acceptability.[6] The first caveat is to say that the question of public justification is a normative one, and it aims to work out the content and structure of liberal political justification given the fact of reasonable pluralism in any democratic society. Second, it does not depend on beliefs from all actual citizens but provisionally reasonable citizens. Reasonable citizens accept the fact of reasonable pluralism and are willing to abide by fair terms of social cooperation. The essence of being reasonable for citizens who share a political life together simply is to take other people's interests or considerations into account. The limitation in reasonable citizens as the constituency of democratic societies responds to a naturally raised question about religious fundamentalists. As I've discussed previously in chapter three, those religious fundamentalists, who reject the fact of reasonable pluralism and who usually reject the notion that citizens are free and equal, necessarily reject the project of public justification. Therefore they are excluded from the constituency of public justifications despite their citizenship.[7] The point of these two caveats is that if political conceptions cannot be publically justifiable to every reasonable citizen of a well-ordered society, it is not practically relevant at all.

In a nutshell, the consensus approach argues that given the respect for free and equal citizens and the fact of reasonable pluralism, in a democratic regime, it is unreasonable and wrong to use state power to coerce those who have disagreed with our comprehensive truth. The justification of coercive political conceptions, instead, must be based on the reasons that can be shared by most reasonable citizens. However, the convergence approach argues that what the consensus approach aspires to is implausible. Moreover, the consensus approach's insistence on shared public reason has imposed unnecessary burdens on citizens, especially religious citizens. Why cannot citizens participate in public life according to their convictions? Would not the requirement or ideal of using shared public reason become a serious obstacle of citizens' democratic

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[6] A popular misunderstanding of the consensus approach confuses the task of public justification with actual popular acceptance whereas popular acceptance is such a foundational assumption or starting point of political liberalism that liberalism will be unstable without it. See Jonathan Quong, *Liberalism without Perfection,* 159.

[7] See ibid., 298.

In a lecture on political liberalism, Burton Dreben said the following: "Too many philosophers, even today, spend too much of their time trying to argue in the abstract for political liberalism against, say, totalitarianism and so forth. This does not seem to me to be a worthy philosophical enterprise. If one cannot see the benefits of living in a liberal constitutional democracy, if one does not see the virtue of that ideal, then I do not know how to convince him. To be perfectly blunt, sometimes I am asked, when I go around speaking for Rawls, What do you say to an Adolf Hitler? The answer is [nothing.] You shoot him. You do not try to reason with him. Reason has no bearing on that question." Burton Dreben, "On Rawls and Political Liberalism," in *The Cambridge Companion to Rawls.* (Samuel Freeman ed., New York: Cambridge University Press, 2003) 329.

participation, or even worse, their religious freedom? The convergence approach thus advances a different conception of public justification to emancipate religious citizens from the burdens.

2.2 The Political Liberal Convergence Approach[8]

The most prominent argument for the convergence approach derives from Gerald Gaus's advocacy. As the leading figure of the convergence approach, Gaus has constructed an exquisite framework of the convergence approach to public justification. As a matter of fact, Gaus's convergence approach actually shares some basic assumptions and considerations with the consensus approach, which makes it a political liberal approach as well. However, it fundamentally departs from the consensus approach on the analysis of rational justification and the criterion of public justification. To start with, attributing Gaus's convergence approach advocacy to political liberalism is based on the fact that Gaus's convergence account also concedes the fact of reasonable pluralism. Moreover, the framework of Gaus's endorsement of the convergence approach of public justification is actually built upon the fact of reasonable pluralism. While the consensus approach asks citizens to refrain from invoking their comprehensive doctrines in public reason because of the fact of reasonable pluralism, Gaus understands the fact of reasonable pluralism as a basis for encouraging citizens to bring their comprehensive doctrines into public reason. Gaus believes that the fact of reasonable pluralism entails a subjectivism of reasons and beliefs. Consequently, he regards the law as publicly justified so long as it is justified for every individual regardless of what grounds they have.

Along with the consensus approach, Gaus also believes that a personal justified belief need not be epistemically true or objectively justified for every individual. The consensus approach argues for the abstinence from referring to the idea of truth in political justification, while it leaves the exploration of moral truth to every reasonable citizen individually. Yet, Gaus argues for the "divorce the idea of a good reason from the idea of truth" in the whole sphere of moral justification, on the basis of a subjectivism of reasons and rational justification, which also entails the fact of reasonable pluralism.[9] Gaus proposes an idea of "open justification", whose core idea is that an openly justified belief system is "stable in the face of acute and sustained criticism by others and of new information."[10] It is possible that there may be "multiple and conflicting belief systems

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[8] The arguments I am going to discuss in this subsection are mainly made by Gerald Gaus, while some other scholars also follow this line of convergence approach, such as Kevin Vallier.

[9] See Gerald Gaus, *Justificatory Liberalism: an essay on epistemology and political theory,* 63.

[10] Ibid., 31.

that are openly justifiable for the persons holding them."[11] This open justification therefore inescapably leads to subjectivism in relation to reasons. Gaus believes it is better to analyze a rational belief system in terms of the relations between its members instead of referring to the idea of truth. He believes that this line of analyzing rational beliefs "allows us to proceed while putting aside divisive metaphysical issues."[12] Since the burden of judgments has played a significant role in political liberalism, by loosening the link between justified rational belief and the idea of truth, Gaus believes that two routes lead to a subjectivism or pluralism of reasons. First, everyone's basic belief differs, therefore even if different people use the same inferential or "logical operations" on their basic beliefs, they would not agree with each other in the conclusions.[13] Moreover, the fact of reasonable pluralism is not just that pluralism restricted to normative ethics but also that it applies to moral epistemological views, which means that different people may employ different evaluative standards, and even various logical or inferential connectives to arrive at their conclusions. After all, the fact of reasonable pluralism signifies that people can still recognize others' belief systems as rational even if they differ both on their substantive beliefs and their theories of justification.[14]

The point of searching for a public justification of certain beliefs derives from the justification of issuing moral demands on others, which is "a requirement of moral life".[15] Generally speaking, Gaus believes that a free moral person has an interest in living in ways that are in accordance with their own standards of what is right or what is good. At least, a free moral person is "bound only by moral requirements that can be validated from his own point of view".[16] The crux of morality according to Gaus is a way for us to "relate to each other as rational agents who can give each other reasons" for actions.[17] Morality thus requires us to reason from the standpoint of others. And "to treat another as free and equal moral person is to accept that moral claims must be validated from their perspectives when they employ their rational faculties" with due reflection.[18] Hence, to justify a moral belief to someone is to make such a moral belief justifiable from that person's perspective, namely, "there must be a reason for her."[19] The justified reason is thus sensitive to the specific moral agents in certain interpersonal relations. In addition,

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[11] Jonathan Quong, *Liberalism without Perfection,* 269.

[12] Gerald Gaus, *Justificatory Liberalism: an essay on epistemology and political theory*, 43.

[13] Ibid.

[14] Ibid.

[15] Ibid., 129.

[16] Gerald Gaus, "The Moral Foundations of Liberal Neutrality," in *Contemporary Debates in Political Philosophy* (Thomas Christiano and John Christman ed., Wiley-Blackwell Publishing , 2009) 84.

[17] Ibid., 86.

[18] Ibid., 85.

[19] Ibid., 86.

the fact of reasonable pluralism suggests that the reason I have to justify my moral demands on her is not expected to be valid to others, but particularly on her. Due to the subjectivism of reasons for each individual, Gaus understands the standard of public justification as sufficient reasons sensitive to specific subjects: "a proffered justificatory argument must provide everybody who is to be subject to the [proposed] arrangement with sufficient reasons".[20] Accordingly, to publicly justify a moral or political conception requires that the conception be validated from the perspective of every free and equal moral person.

The most significant characteristic that differentiates Gaus's convergence approach from the consensus approach concerns the sorts of justificatory reasons. Gaus classifies justificatory reasons into three kinds, ranging from the loosest one to the most stringent kind as intelligible reasons, accessible reasons, and shareable reasons. His convergence approach argues that the intelligible reasons suffice, while the latter two requirements of accessibility and shareability are unnecessary and too rigid.[21] The intelligibility requirement only demands that the reasons can figure in a justification for a certain political arrangement, such as a coercive law, so long as the members of the public can see those reasons as reasons for them, "as opposed to mere utterances, expressions of emotions or other irrational demands."[22] Departing from the approach claimed by the consensus liberals, Gaus argues that the validation of the political conception does not require a strong "publicness" in the sense that the reasons must be based on beliefs actually *shared* by all as long as it has given good reasons *intelligible* to everybody that they subscribe to the political arrangement.[23] Therefore, the consensus in supporting reasons is not necessary to expect; a convergence upon the moral demand suffices.

Let me sum up Gaus's arguments in approximately four steps. First of all, given the open justification, you and I are both justified in holding our different belief systems. The most crucial step Gaus takes is that secondly, the reasons and rational justifications of evaluating your and my belief systems are not truth, rather, they are analyzed in terms of the relations among us. Therefore it is rational for you to hold a certain belief α which is within your belief system, even if belief α is not justified for me. Consequently, thirdly, public justification requires that my moral demands can be imposed on you on the

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[20] Gerald Gaus, "Subjective Value and Justificatory Political Theory", 255.

[21] Gerald Gaus and Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: the implications of convergence, asymmetry and political institutions," *Philosophy & Social Criticism* 35 (2009): 51-76.

[22] Vallier, Kevin, "Public Justification", *The Stanford Encyclopedia of Philosophy* (Spring 2018 Edition), Edward   N.   Zalta (ed.),   URL   = <https://plato.stanford.edu/archives/spr2018/entries/justification-public/>.

[23] See Gerald Gaus, "Subjective Value and Justificatory Political Theory", 256. Italic added by me.

condition that my moral demands are justified, not from mine or anyone else's, but from your point of view. The rejection of truth and a justified reason that is sensitive to particular interlocutors in relations together produce the inevitable outcome of reasonable pluralism, a subjectivism of justifications. In other words, justified reasons are subjective to differing standpoints occupied by different members of the public. Fourthly, the fact of reasonable pluralism implies that no one's reason is hence likely to be widely endorsed by every member of the public. That is to say, according to Gaus, the consensus approach's shared public reason requirement is unattainable by virtue of the very fact of reasonable pluralism. Therefore, the prevalent version of the convergence approach is as follows:

(1) A believes that, at the level of public deliberation in the public discourse, he has a sufficient reason Ra to endorse the law L.

B believes that, at the level of public deliberation in the public discourse, she has a sufficient reason Rb to endorse the law L.

(2) Reason Ra and Rb are both reasons from A's and B's comprehensive belief systems. That is to say, given reasonable pluralism, they are neither the same nor can be categorized to the same evaluative set, for instance, political values.

(3) A does not hold the same comprehensive doctrines as B does. B does not hold the same comprehensive doctrines as A does either.

(4) However, Gaus argues, on the basis of his theory of justification, a rational belief system is determined according to its members' belief system instead of the idea of truth.

(5) Therefore, it is possible that A regards B's comprehensive belief system as rational for B to believe. B also regards A's comprehensive doctrines as rational for A to believe.

(6) A and B are both sincere in public deliberation.

(7) A believes that B is justified in endorsing the law L. B also believes that A is justified in endorsing the law L.

Therefore,

(8) Given that A believes that, at the level of public deliberation in the public discourse, he has a sufficient reason Ra to endorse the law L.

B believes that, at the level of public deliberation in the public discourse, she has a sufficient reason Rb to endorse the law L.

C believes that, at the level of public deliberation in the public discourse, she has a sufficient reason Rc to endorse the law L.

…

> N believes that, at the level of public deliberation in the public discourse, he has a sufficient reason Rn to endorse the law L.

(9) Ra, Rb, Rc…Rn are not public in the sense that the consensus approach adopts. They are not the same, nor can they be attributed to the same evaluative set, for instance, political values. They can be any reason as A, B, C…N sees fit.

2.3 A Broader Version of the Convergence Approach: Religious Critics

For my purpose, the convergence approach in contrast with the consensus approach is a broader approach compared to the political liberal convergence approach that Gaus has adopted and developed. What brings religious critics into alignment with the political liberal convergence approach is their objection to the consensus approach's insistence on the shareable public reason requirement. The adoption of such a requirement would exclude religious reasons and arguments from the public sphere, since they are not shareable with all citizens. This is something that religious critics fundamentally oppose. Contrariwise, the convergence approach essentially maintains that citizens will be able to introduce any reason they fit into public reason and justification. They believe that a more generous approach to religion not only better honors citizens' freedom but also greatly benefits our political society. Some religious critics, as will be shown later, who do not adopt the name of the convergence approach or who do not regard themselves as belonging with this approach do advocate a similar strategy. That is to say, insofar as there is a convergence on a certain institution or laws from individuals, a public shared reason underlying such a convergence is not enlisted whatsoever. Their specific viewpoints and arguments differ from each other to some extent and also from the standard account of Gaus's convergence account; nonetheless, contra the consensus approach regarding the place of religious reasons and arguments, they do generally support a convergence claim that "citizens should be uninhibited in giving expression to their particular conceptions of truth and value and, indeed, inviting such expression in all deliberative settings makes for a better politics."[24]

Michael Perry believes that it is unfair to exclude religious doctrines for three reasons. First of all, controversial religious beliefs are not necessarily more problematic than controversial nonreligious beliefs.[25] Secondly, speaking from the perspective of an

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[24] Stephen Macedo, "Why Public Reason? Cooperation, Law, and Mutual Assurance", working paper in progress.

[25] Michael J. Perry, "Religious Morality and Political Choice: Further Thoughts—and Second

American, he argues that religious beliefs are not necessarily divisive or destabilizing for a still highly religious American society. On the contrary, religious arguments to some degree promote good political decisions. [26] Thirdly, religious beliefs are not epistemologically inferior to other beliefs; hence their epistemic status cannot be held against them when it comes to public justification.[27] Therefore, Perry proposes a model of "ecumenical political dialogue" that was meant to be inclusive of the religions so that reasonable religious believers can effectively participate.[28] Similarly, Jeremy Waldron believes that there are actual benefits to be gained from a more inclusive ideal of public justification to the extent that more reasons than shareable reasons should be permitted, because shareable public reason seems too conservative with regard to the human capacity to reason and adds too little to our public debates.[29] Nicholas Wolterstorff[30] and Jeffery Stout[31] both raise a serious issue engendered by the consensus approach. They argue that the shareability requirement of public reason has imposed excessive burdens on religious citizens. Religious citizens either have to suffer from abstaining from fully expressing their deepest convictions along with their pursuit of integrity, or they have to face the provision of being ostracized from their community. Christopher Eberle also adopts a convergence approach even though he explicitly criticizes the "standard" convergence approach in Gaus's sense. He believes that "a defensible conception of public justification must permit each citizen to rely on a fund of considerations that is sufficiently rich as to enable him to articulate a public justification not only for characteristic liberal commitments, but also for a wide range of the important political

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Thoughts—on Love and Power." *San Diego Law Review* 30 (1993): 714.

[26] See ibid., 714-715.

[27] See ibid., 715.

[28] See Michael J. Perry, "Toward an Ecumenical Politics," *George Washington Law Review* 60 (1992): 599-619. Philip Quinn considers Perry's picture to be very attractive as well. See Philip Quinn, "Political Liberalisms and Their Exclusions of the Religious", *Proceedings and Addresses of the American Philosophical Association* 69 ((1995): 35-56.

[29] See Jeremy Waldron, "Religious Contribution in Public Deliberation", *San Diego Law Review* 30 (1993): 817-848. Waldron is also very keen on stressing the positive influence of Christian conceptions on secular life. Since we are looking at what religion could contribute to the political domain, I am not discussing his point of how religion contributes to our ethical life, which belongs to another persistent struggle between Divine Command Theory and secular ethics.

[30] See Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues", in Robert Audi & Nicholas Wolterstorff, *Religion in the Public Square: the place of religious convictions in political debate.* (Maryland: Rowman & Littlefield Publishers Inc.1997).

[31] See Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press 2004). Robert M. Adams also shares this worry. See Robert M. Adams, "Religious Ethics in a Pluralistic Society," in *Prospects for a Common Morality* (Gene Outka and John P. Reeder, Jr. ed., Princeton: Princeton University Press, 1993).

decisions he faces."[32] And clearly the consensus approach fails to supply such a sufficient and tenable account of public justification. Additionally, along with Perry's claim, Eberle believes that shareable reasons are not necessarily epistemically better than religious reasons as grounds for political decisions.[33]

All these above religious critics have more detailed and deep considerations for including religious arguments and adopting a convergence approach of public justification, but I can only manage to give a sketch of their core claims here. It is certainly impossible to fully survey them all, but I believe my sketch suffices to show how those critics align with the idea of the convergence approach, even without claiming the name. In light of the instances above, the convergence approach I am referring to from this point on, as opposed to the consensus approach of public reason, is a wider version which incorporates religious critics with or without identifying themselves explicitly with "the convergence approach".

2.4 Summary of the Convergence Approach's Critiques of the Consensus Approach

I believe that my explications of both the convergence approach in the wider sense and in its prototype sense have illustrated one fundamental point for my purpose. While the consensus approach requires members of the public to share the justificatory reasons of the law, the convergence approach is open to all the reasons that members of the public adopt. They can bring in any reason that they deem as justified for themselves. This variation of shareability of reasons significantly influences their account of public reason and subsequently of public justification, especially for the debate of religion's place in politics. With shareable public reason, reasonable citizens would be able to "explain the basis of their actions" mainly their voting "to one another in terms each could reasonably be expected to endorse." [34] Citizens thus refrain from deploying comprehensive doctrines which are not shareable by all members of the public in democratic discussion of political issues in the public forum. This shareable public reason requirement essentially influences the place of religious reasons and arguments in the public forum. We cannot reasonably expect all members of the public, including religious and nonreligious citizens, to actually endorse religious reasons as valid reasons; therefore public reasoning in political life has excluded personal comprehensive doctrines including religious doctrines. By contrast, for the convergence approach, the genuine

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[32] Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge University Press, 2002) 206.

[33] See Christopher Eberle, "Consensus, Convergence, and Religiously Justified Coercion", *Public Affairs Quarterly* 25 (2011): 281-303.

[34] John Rawls, *Political Liberalism* (Columbia University Press, 1996) 218.

public reason is plainly all the reasons held by every individual of the public. They are free to refer to any conviction or argument including religious reasons for public justification.

According to the convergence approach, there are four major problems with the consensus approach questioning two things: the plausibility and desirability of the shareability requirement of public reason. One, the shareability requirement of public reason is unfeasible if not entirely impossible to satisfy. From the point of view of theoretical reason, the convergence approach argues that the fact of reasonable pluralism already presupposes that human reasons are too divisive to assume that we can reason in the same fashion. Specifically, the practical implication of the fact of reasonable pluralism is that since we tend to diverge and disagree with each other on basically every aspect, the fact of reasonable pluralism also implies a pluralistic understanding of justice, which makes an overlapping consensus on political conceptions of justice implausible. Hence, the content of shareable public reason is rendered void. I call these two critiques on the implausibility of the shareability requirement of public reason 'the subjectivism critique' and 'the asymmetry critique', representing these two critical claims:

The Subjectivism Critique: the shareability requirement of public reason is self-defeating, for the fact of reasonable pluralism already supposes the unshareability of human reasons;

The Asymmetry Critique: the fact of reasonable pluralism also entails reasonable pluralism of justice, which narrows the likelihood of an overlapping consensus on political conceptions of justice; the content of shareable public reason is thus susceptible to being rendered empty.

Two, in accordance with the convergence approach, the shareability requirement is also undesirable as it tends to destabilize our political society. The consensus approach's so-called lack of capacity of stabilizing the society consists in two aspects: one is its inability to give an individual citizen sufficient moral motivation to comply with the shareability requirement of public reason; and the other is its further inability to assure that everyone else would also actually comply with such a requirement. From the individual's point of view, the shareability requirement is too demanding to be desirable, since it has imposed too strenuous burdens on religious citizens to follow. Moreover, it is even more difficult to be sure that all citizens would not only agree to such a requirement but would actually comply with it. Therefore, laws cannot be successfully publicly justified in the same vein as the consensus approach. Likewise, I call the critiques on the shareability requirement's undesirability "the integrity critique" and "the assurance

critique", which are illustrated as:

The Integrity Critique: the shareability of public reason exerts too demanding burdens for citizens to follow as it hurts their integrity;
The Assurance Critique: the shareability of public reason cannot ensure that all citizens will honor such a fair, cooperative society.

Furthermore, an opposite claim imbedded in the integrity critique is that, on the contrary, the convergence approach protects citizens' integrated existence. This is:

The Claim of Integrity: the convergence approach is more attractive to citizens as it protects their integrity and freedom.

The convergence approach's claim of integrity shows that the convergence approach's ambition is more than bankrupting the consensus approach; it also aims to establish its superiority by claiming that it has offered a better alternative account of political conceptions' public justification. Such a claim implies that the convergence approach is a less demanding approach for citizens, since a convergence on the laws from each individual's differing standpoints suffices, while it places no other burdens on citizens. A complete defense of the consensus approach not only needs to combat all of the critiques the convergence approach raised, it also needs to expound why the consensus approach is superior to the convergence approach.

The rest of the sections in this chapter will engage in the detailed explication and assessment of "the subjectivism critique" and "the asymmetry critique", while "the integrity critique" and "the claim of integrity", will be the focus in the next chapter. As for the refutation of the assurance critique, which answers the question why the convergence approach fundamentally fails to supply a sufficient account of public justification, it will be discussed in the sixth chapter.

III.   The elucidation of "The Subjectivism critique" and "The Asymmetry Critique"

As shown previously, the convergence approach asserts that the shareable public reason requirement maintained by the consensus approach is unfeasible if not entirely impossible to follow. For one thing, the convergence approach deems that the fact of reasonable pluralism already presumes the implausibility of shareable reasons among citizens in a political society. Specifically, there is no reason to argue that the fact of reasonable pluralism has excluded reasonable disagreements about justice, which is

assumed by the consensus approach.

3.1 The Subjectivism Critique

As pointed out previously, the contrast between the convergence approach and the consensus approach is primarily manifested in the requirement of justificatory reason's shareability. The political liberal convergence approach led by Gaus accepts the fact of reasonable pluralism, and argues that it is precisely because of reasonable pluralism that we can understand each other's reasons but cannot share them.

Gaus claims that the requirement of consensus on foundational reasons is a reasonable but superfluous requirement. A publicly justificatory argument will succeed even if it has no actual consent or consensus, provided that it has good reasons for each individual to submit. The point of publicly justified political arrangements for Gaus is for everybody to submit or subscribe to it, while whether there is a consent or consensus is beside the point. In other words, as long as everybody finds good reasons to accept such political arrangements, consensus is superfluous.[35] Not only is consensus not desirable for publicly justified laws, but it is also implausible given the fact of reasonable pluralism. Both the "cognitive limitations" of humans in general and a discrepancy in their limitations among different people result in subjectivism of reasons for different people.[36]

With respect to the extent of the shareability of citizens' reasons, Gaus distinguishes them into three versions from the weakest to the strongest (and he translates the idea of reasons into evaluative standards): 1) "identical evaluative sets": members of the public share the same evaluative standard, for instance, economic gains.[37] 2) "Shared ordering": members of the public do not share the identical standard but a set of standards, and order them in the same way.[38] For example, citizens consider a law's legitimacy from the perspective in the exact order of public safety, human rights, and fairness of opportunities. And 3) "shared standards": members of the public reason from a common set of evaluative standards but they may disagree about their order.[39] They may consider a law's legitimacy from the order of public safety, human rights and fairness of opportunities, or they may do that according to the order of fairness of opportunities, human rights, public safety. As we can see now, the weakest one is the

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[35] See Gerald Gaus, "Subjective Value and Justificatory Political Theory," 255-257.

[36] Gerald Gaus, *The Order of Public Reason: a theory of freedom and morality in a diverse and bounded world,* 286-290.

[37] Ibid., 284.

[38] Ibid.

[39] Ibid.

shared standards requirement, which corresponds to the consensus conception of shareable public reasons for public justification, designating that citizens shall reason from a common set of evaluative standards.

Gaus believes that even the weakest shared reason is too strong to impose a significant restraint on public reasons for public justification.[40] According to Gaus, the impossibility of shared public reason is due to real cognitive limitations which are also fundamentally rooted in reasonable pluralism. As a result of the cognitive limitations *of* humans, humans have no basis upon which to claim we have grounds to confirm our view as correct in absolute confidence, even after rational reflection.[41] Recall that for Gaus, the justification of a moral or political conception concerns each member of the public and therefore it depends on whether it can be valid from every individual's perspective. That is why Gaus argues that to reach a public justification for a moral or political conception, a convergence of public reasons incorporating different comprehensive conceptions of the good suffices, while there is no need for shared reasons. A convergence conception of public justification is thus believed to be public and impartial, since it converges and rests on everyone's reasons.

Moreover, due to the "cognitive limitations" *among* reasonable citizens, these citizens also face unmanageable disputes between themselves.[42] The cognitive limitations among reasonable citizens mean two things. One, every member of the public has their own evaluative systems with different reasons or orders.[43] A's reason Ra as ground for law L is likely to be absent from person B's evaluative system since B might also support law L for a different reason, Rb. Therefore, it should not be an obstruction for A to conclude that B is justified in appealing to reason Rb to ground L, irrespective of A's own rejection of Rb. And second, we have to admit that there is not only cognitive limitation but also cognitive discrepancy in terms of the level of moral sophistication among reasonable citizens in light of Lawrence Kohlberg's theory, which divides adults' moral reflection ability into six stages (stage 1 to 6, ranging from the least sophisticated to the most sophisticated).[44] Gaus points out that some people who are at stage 1 may even have difficulty in identifying basic right and wrong, whereas some others who have

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[40] Ibid., 286.

[41] Gaus sides with Rawls (in his *Political Liberalism* stage) that "questions of the truth or falsity of our moral judgments can be left to one side, and we should instead focus on whether they are reasonable and justified". In other words, we should focus more on questions about moral epistemology. And he believes the exploration of liberalism's justification cannot be answered by theories of justifications; political liberalism cannot go as far as to be independent from moral epistemology. See Gerald Gaus, *Justificatory Liberalism: an essay on epistemology and political theory,* 3-7.

[42] Gerald Gaus, *The Order of Public Reason: a theory of freedom and morality in a diverse and bounded world*, 286.

[43] Ibid., 287-288.

[44] Ibid., 214-216, 256-257, 277-278, 290.

sophisticated moral reasons cannot only see complicated moral problems clearly, but they can even assist less sophisticated people to understand intricate moral problems.[45] It follows that it is unfair and implausible to ask people who, for instance, are only at stage 1 to reason similarly to someone at stage 6. Recall that according to Gaus, the fact of reasonable pluralism is the starting point of the convergence approach. Reasonable pluralism presupposes the mutual intelligibility of reasonable citizens' reasons for public justification in the public discourse. However, due to the cognitive limitations *of* moral persons and also the cognitive diversity and discrepancy *among* moral persons, Gaus concludes that "shared standards" have to be rejected.[46]

The convergence approach therefore believes that the shareability requirement falls short of the subjectivism of reasons. That is to say, such a requirement is inconsistent with public reasoning by pluralistic standards contingent on different members of society. Gaus and Vallier once argued that if we embrace the consensus approach's shareability requirement, we must presume that everyone reasons in the same way, which raises a quandary: "why would justificatory liberals, starting out with a strong commitment to reasonable pluralism as the outcome of the free use of human reason, embrace a conception of public justification that assumes we reason identically?"[47] This question implies that the fact of reasonable pluralism assumes the mutual intelligibility and divisiveness of reasons that every reasonable member of the public reasons differently. Since it is assumed that every member of the public is reasonable, we are all justified in holding our own divergent belief systems. That is to say, in a well-ordered society, for instance, although a certain belief α is absent from my belief system, I would understand that it is justified for you to believe α. And we are all entitled to have different beliefs or conceptions of the good; therefore it is wrong and unreasonable for me to coerce you into forsaking α out of my belief system. Nor can I accuse you of being epistemically defective in any way in believing α. In that sense we can say that our reasons are mutually intelligible but not shareable.

3.2 The Asymmetry Critique

The subjectivism critique concludes that the fact of reasonable pluralism presumes the difficulty of shareable public reason for reasonable citizens in a democratic society. By virtue of the subjectivism critique, which signifies that there are pervasive and reasonable

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[45] Ibid., 256-257, 277-278.

[46] See ibid., 283-287.

[47] Gerald Gaus & Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The implications of convergence, asymmetry and political institutions," 58.

disagreements between reasonable citizens on so many subjects, it is also unreasonable to expect citizens to agree on the content of public reason, namely the formation of an overlapping consensus.

The fact of reasonable pluralism so far encapsulates reasonable citizens' disagreements about comprehensive doctrines, which are not invoked in public reason for public justification. However, it has been pointed out that citizens' reasonable disagreements about justice are just as profound as their disagreements about comprehensive doctrines.[48] In the realm of normative political philosophy, political philosophers also always disagree sharply about conceptions of justice, including on issues of "the nature and extent of rights", the exact meaning of fairness of opportunity, the definition of equality of resource distribution, among many other things.[49] For instance, the debates about abortion, same-sex marriage, and tax regulations are typical arguments reflecting reasonable disagreements about justice. Therefore, it is hard to explain why only comprehensive doctrines are excluded from public reason. The convergence approach believes that there is an "apparent asymmetry" in the consensus approach's treatment of the disagreements about justice and the disagreements about comprehensive doctrines.[50] Moreover, the consensus approach's insistence on shared public reason might collapse too, as there will probably not be any political conception of justice that is supported by shareable public reasons.

The convergence approach's asymmetry critique has two layers. First of all, they argue that in contrast with the claim that reasonable citizens tend to differ in their comprehensive doctrines, citizens do inevitably share many comprehensive doctrines too, such as friendship, family, love and integrity.[51] Furthermore, numerous historical examples and contemporary political debates have shown that reasonable persons disagree over matters of justice just as fundamentally and profoundly as they do over

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[48] In real every day politics, "All we need to do is look at current political debates over issues like abortion, taxation, capital punishment, health care, or freedom of expression to see that many reasonable people disagree in deep and seemingly intractable ways about justice." Jonathan Quong, *Liberalism without Perfection*, 192.

[49] Ibid.

[50] Both political liberalism's critics (e.g., Joseph Raz, Gerald Gaus) and its defenders (e.g., Charles Larmore, Jonathan Quong) tend to refer to "conceptions of the good" instead of "comprehensive doctrines" for the sake of simplifying the relationship between conceptions of justice and the good. However, the notion of comprehensive doctrines has a much wider scope, content-wise, than the term "conceptions of the good" can cover—for instance the philosophical issue of ontology—so I follow Rawls in sticking with the term "comprehensive doctrines" even when their original texts use "conceptions of the good". I thank Steve Macedo for pointing this out to me.

[51] See Joseph Chan, "Legitimacy, Unanimity and Perfectionism," *Philosophy & Public Affairs* 29(2000): 11-12.

matters of comprehensive doctrines.[52] Combining those two points, they argue that the disagreements about justice do not substantially differ from disagreements about comprehensive doctrines. Therefore, they argue that should the former disagreements be part of public reason and justification, there is no reason to exclude comprehensive doctrines.

On the first point, Joseph Chan has offered a general description of what constitutes a conception of the good life. To him, a good life includes the following constituents: "virtues or dispositions as practical wisdom, courage, temperance, integrity and sincerity; goods or values including aesthetic experiences, human relationship, amusement, play and knowledge…and a particular way of realizing them."[53] Chan believes that although people may "differ about the weights of these goods" respectively, these goods are "generally regarded as desirable".[54] Therefore, it seems that it is too presumptuous to exclude comprehensive doctrines from constituting part of public reason.

Regarding disagreements about justice, Simon Clarke points out that many people are willing to sacrifice their lives for the cause of justice, such as in the American Civil War, the French Revolution, and the conflicts in Eastern Europe around the 1980s to 1990s.[55] In those conflicts, constitutional issues over fundamental justice regarding citizens' rights, the balance of power or the institutional arrangements of the polity were the central concern. Simon Caney has expressed similar concerns. Sidetracking the historical illustrations and focusing on contemporary liberal democratic systems, analogous empirical observations emerge as well.[56] People disagree tremendously in their views about many issues related to justice. For example, in the United States, democrats and republicans' disagreements about distributive justice and tax policies differ profoundly. Likewise, they argue heatedly over their positions on women's right to abortion, citizens' right to guns, the aims of punishment, and the legitimacy of death penalty, which are all fundamental constitutional concerns. The defense of the legitimacy of the death penalty is one of the reasons keeping Turkey from becoming a member of the European Union. In that sense, those disagreements about justice, just like disagreements about comprehensive doctrines, fundamentally set citizens in a liberal democratic polity apart from each other, and it is those fundamental disagreements about

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[52] See Simon Clarke, "Contractarianism, Liberal Neutrality, and Epistemology," *Political Studies* 47(1999): 636

[53] Joseph Chan, "Legitimacy, Unanimity and Perfectionism," 11.

[54] Ibid., 12.

[55] Simon Clarke, "Contractarianism, Liberal Neutrality, and Epistemology," 636.

[56] See Simon Caney, "Liberal legitimacy, reasonable disagreement and justice," *Critical Review of International Social and Political Philosophy* 1:3(2007): 22.

justice that render the overlapping consensus of political principles implausible. Hence, the account of the liberal principle of legitimacy cannot be established and the content of shared public reason is implausible as well.

Moreover, a further question arises: do the disagreements about justice derive from the disagreements about comprehensive doctrines? If the two sorts of disagreements are independent from one another, the fundamental disagreements about justice already render the political liberal account of legitimacy unjustified since citizens are just as much divided by the disagreements about justice as they are by the disagreements about comprehensive doctrines. However, some do believe that the disagreements about justice must be derivations of our disagreements about comprehensive doctrines, as normative reflections on the issues of justice are essentially boiled down to "reflection on the values and principles that are implicated in these processes of deliberation and decision-making." [57] That is to say, our distinct comprehensive doctrines are bound to affect our view of politics and therefore it is impossible to insulate political views about justice from other comprehensive doctrines.

Take the example of the disagreements about women's right to abortion. The debate about whether women should be granted the constitutional right to have an abortion mainly relates to two competing comprehensive doctrines. One believes that the utmost value of life outweighs anything else, while the other believes that women's right to making choices about their own bodies and lives prevails over the fetus's life. Although this discussion involves a key biological issue of whether a fetus should be seen as a person, it is still a principal disagreement between two different comprehensive doctrines. According to this view, if the disagreements about justice are the result of the disagreements about comprehensive doctrines, Jeremy Waldron argues that the so-called overlapping consensus, in the sense of the consensus approach, would be essentially denigrated as a *modus vivendi*, which is precisely what Rawlsian liberals aim to distinguish themselves from. Waldron's argument is that as long as each comprehensive doctrine generates its own conception of justice, these conceptions of justice become rivals of each other, and hence they cannot offer sincere moral support for the overlapping consensus without compromising their own claims about justice. [58] Therefore, it is impossible for competing comprehensive doctrines to be related to a single conception of justice in a strong moral relationship such as an overlapping consensus but only in a *modus vivendi*. Furthermore, Gaus argues that due to the inexorable connection between the disagreements about justice and comprehensive doctrines, the prospect of a consensus emerging on justice in a society that disagrees on comprehensive doctrines is

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[57] Jeremy Waldron, *Law and Disagreements* (Oxford University Press, 1999) 160.
[58] Ibid., 161-163.

relatively slim.[59]

IV. The Consensus Approach's Rebuttal of the Subjectivism critique: Objectivity in Public Justification

A proper judgment about the subjectivism critique and the asymmetry critique calls for the answer to a question like this one: is it possible for reasonable citizens to engage in public reasoning with shareable public reason? I would give a positive answer for the consensus approach. And such an answer consists in two parts: one thing is that justificatory reasons in the public sphere are not necessarily subjective but can be objective for reason holders, hence they are likely to be shareable; and the other part concerns whether there can be an overlapping consensus on a political conception of justice, which will be addressed in the next section.

This section is going to present the first part of the positive answer, namely why a subjectivism of justificatory reasons is wrongfully suggested. For the moment, my proposal consists in three steps. Firstly, I will argue that the fact of reasonable pluralism by no means entails a subjectivism of reasons or rational belief systems. Secondly, even if we concede that the fact of reasonable pluralism can be the result of subjectivism of reasons, it is still conceivable to have objective reasons and beliefs in the *political* domain; therefore we can still have shareable public reason. Thirdly, the consensus approach believes that such an objectivity of justificatory reasons is given rise to by the standard of reasonableness.

4.1 Step 1: Cutting off Subjectivism of Reasons and the Fact of Reasonable Pluralism

Unlike Gaus, I believe that the fact of reasonable pluralism in Rawls's sense cannot be stretched as far as to entail subjectivism of reasons and beliefs. Reasonable pluralism is the idea that reasonable people tend to disagree with each other about comprehensive religious, moral and metaphysical doctrines. Because citizens exercise their human reason to their best ability, which simply presents the fact that reasonable citizens are bound to disagree with each other on comprehensive doctrines, yet it does not entail that reasonable citizens can accept others' comprehensive doctrines as justified.[60]

The key to reasonable pluralism consists in the recognition of disagreements about

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[59] Gerald Gaus, "Reason, Justification, and Consensus: Why Democracy Can't Have It All", in *Deliberative Democracy: Essays on Reason and Politics* (James Bohman and William Rehg ed., Cambridge: The MIT Press, 1997) 222.

[60] See Jonathan Quong, *Liberalism without Perfection*, 271.

comprehensive doctrines among citizens as reasonable, so that we cannot coerce those who disagree with us. For example, the conviction that an omnipotent god exists is a vitally important part of religious belief for many religious citizens. Nevertheless, atheists believe that no such god exists. As reasonable citizens, the fact of reasonable pluralism implies that religious citizens would understand that it is reasonable for atheists to have such a belief regardless of how much they disagree with them. There is no way for religious citizens to coerce atheists into upholding their own claims. However, religious citizens' understanding of the disagreements they have with atheists does not amount to them recognizing atheists' belief as justified or right. By the same token, the fact of reasonable pluralism by no means implies subjectivism of reasons and rational beliefs. The fact of reasonable pluralism avows a moderate but nonetheless non-compromising statement like: we are not skeptical about our beliefs or reckon that others' beliefs or reasons as justified, since the fact of reasonable pluralism intends to be reticent about this; instead, we only recognize that it is unreasonable for us to coerce others into accepting our beliefs. Therefore, subjectivism of reasons has stretched way further than the fact of reasonable pluralism.

4.2 Step 2: Public Justification Can Be Objective

Nonetheless, Gaus could claim that granted that the subjectivism of reasons and justifications is not necessarily entailed by the fact of reasonable pluralism; subjectivism of reasons could still lead to reasonable disagreements about comprehensive doctrines. Subjectivism of reasons is nevertheless not excluded, which still is capable of inducing all kinds of reasonable disagreements about justice. Confronting this claim would require us to consider that, given the possibility of subjectivism of reasons, the reasonable disagreement about justice is not boundless, and hence public reason in the pursuit of public justification can still be *conceptually* but not only *contingently* shareable. In other words, even if subjectivism of reasons is not a necessary condition of the fact of reasonable pluralism, it could still play a role as a sufficient condition. And sufficient scrutiny of the relationship between subjectivism of reasons and reasonable disagreements about justice calls for an explanation of why reasonable disagreements about justice are not rampant and hence public reason is still shareable. My conjecture is that, while the consensus approach confirms the fact of reasonable pluralism, it nevertheless understands public reason as being *objectively* approachable.

The baseline of my conjecture rests upon a comprehension that differs from Gaus's convergence approach of the idea of justification itself. On the one hand, "to claim that a belief or judgment is justified is to say that it is justified based on good and sufficient

reasons."[61] On the other hand, a person can be justified in holding a certain belief which is nevertheless not sufficiently justified by good reasons.[62] It could be the result of some factors that this person is not aware of, or some knowledge that is beyond this person's comprehension. However, this person is justified in holding such a view based on the considerations he takes to be reasons given his existential education, information, and knowledge. For instance, a citizen, Derek, decides to vote for the political candidate Claire since he believes that she is competent, honest, and she would do everything to bridge the expanding gap between the rich and the poor, judging from her past work experience and possibly her campaign speech. However, Derek does not know that Claire is not who she claims to be, and she was severely corrupt in her previous occupation, for which the evidence has not yet fully surfaced. Derek is justified in believing that Claire is an honest candidate, though the belief itself that Claire is an honest candidate is not necessarily justified.

The difference between the two justifications comes down to the different goals of the justifications of the consensus approach and Gaus's argument respectively. In rejecting the reference to the truth of reasons, Gaus argues for a public justification based on convergent results of one-to-one reasoning. In that case, every reason in one-to-one relations can be particular to each individual, as long as everyone converges on certain laws or policies as their results. And due to the fact of reasonable pluralism, hardly anyone uses the same reason to reach their decision about the law or policy. In Gaus's argument, the goal of justification lies in the second sense, which is to make a certain belief justified for someone, irrespective of whether such a belief *itself* is justified. Contrariwise, the consensus approach denounces the account of justification in the second sense and adopts the justification in the first sense. That is to say, the goal of public justification for the consensus approach is the justification of principles of justice itself. In other words, the purpose of public justification for the consensus approach is an objective standard of justification. The consensus approach argues that in the domain of the political, the political decisions shall be endorsed by all reasonable citizens on grounds of shareable public reasons, which is possible considering the fact of reasonable pluralism. The basis of public reason, namely the political conceptions of justice can be objective enough for all reasonable citizens to share in a well-ordered society.

I need to clarify that in addressing objectivity here, I am talking about a practical or political objectivity, which needs to be distinguished from the objectivity in meta-ethical discourse. Ronald Dworkin's idiosyncratic analyses of objectivity maybe of some help

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[61] T.M. Scanlon, "Rawls on Justification," in *The Cambridge Companion to Rawls*, (Samuel Freeman ed., Cambridge University Press, 2003) 140.

[62] Ibid.

here. Generally speaking, Dworkin does not believe that meta-ethical studies contribute much to our understanding of normal ethical issues, and any metaethical statement is a normative ethical judgment.[63] He argues for a different way of comprehending objectivity apart from the objectivity discussed in the metaethical discourse. He objects to understanding an ethical life from an "Archimedean point" which is a standpoint outside of the ethical life (Just as Archimedes is outside of the earth in his famous quote "give me a place to stand, and I can move the earth."). He believes that one cannot genuinely rationally understand ethical issues from a meta point of view, namely, a position that is not placed within the sphere of ethical life. Dworkin believes that ethics research is an interpretive project, and we can only truly understand ethics as people who are committed to it as rational agents. Although Rawls does not hold such a view of meta-ethics, his advancement of political constructivism, in the same vein as Dworkin, claims a different standard of objectivity apart from the one in meta-ethics. It is just that Rawls's departure from the meta-ethical discourse, unlike Dworkin's divergence, is motivated by the fact that meta-ethical debates are too contentious for political purposes. The whole starting point of the project of political liberalism, which is the fact of reasonable pluralism, is to unbolt the justification of liberalism from the shackle of metaphysical standards of evaluation. Nevertheless, political liberalism's departure does not mean that it commits to ethical subjectivism; rather, it can still politically construe an objective standard for its purpose in the political domain.[64]

4.3 Step 3: Reasonableness as the Standard of Objectivity

[63] For Dworkin's detailed explication on his objections of meta-ethics see Ronald Dworkin, "Objectivity and Truth: You'd Better Believe It," *Philosophy& Public affairs* 25 (1996): 87-139; *Justice for Hedgehogs* (Harvard University Press, 2011) Chapter 2-4.

[64] For the sake of proving political constructivism's eligibility of producing objectivity, Rawls reviews six widely recognized essential elements of a conception of objectivity and argues that political constructivism covers all of them. See Rawls's detailed explication in *Political Liberalism*, 110-112.

The plausibility of constructing a practical or political objectivity as a separate evaluative standard from metaphysical objectivity nevertheless faces a severe challenge. Leif Wenar argues that although political constructivism avoids controversy about the truth of moral judgments, it cannot avoid controversy about the sources of normativity. The epistemic question of "what is true or correct" is decided by the comprehensive doctrines all the way down, which leaves no room for any other epistemology in the political domain. For instance, a moral realist will never recognize a political standard shaped by political constructivism. And a Catholic not only would think that "God's word is authoritative on matters of justice", she would also believe that "there is no other source of authority on such matters." See Leif Wenar, "Political Liberalism: An Internal Critique," *Ethics* 106 (1995): 55.

In the same vein, Samuel Scheffler also argues that Rawls's insistence on preferring the politically constructed objectivity to moral truth has negated his aim of bringing out political constructivism, which is to gain as many consensuses that have been excluded by the idea of moral truth. See Samuel Scheffler, "The Appeal of Political Liberalism," *Ethics* 105 (1994): 20.

Political constructivism is not an epistemic model that starts its construction from scratch. Instead, for political constructivism, "not everything is constructed, we must have some material… from which to begin."[65] Political constructivism relies on certain existing social presumptions as the structure and form with which to start the construction. The principles of political justice are the outcome of the procedure of construction, which is essentially based on practical reason. The structure and form from which political constructivism begins its construction is "a rather complex conception of person and society".[66] The person is seen as someone belonging to a political society as a fair system of social cooperation, and is said to possess two moral powers, "a sense of justice" and "a sense of a conception of the good", namely, being both reasonable and rational.[67] If we accept the original position as "a procedural device of representation" which is simply "laid out", it follows that, reasonable and rational persons under reasonable, or fair, conditions, will select certain principles of justice.[68] "Political constructivism specifies [the] idea of the reasonable and applies this idea," instead of the concept of truth, "to its subjects: conceptions and principles, judgments and grounds, persons and institutions."[69] Therefore, according to Rawls, the idea of reasonableness is such a criterion which is fundamental, compelling and objective enough for us as the benchmark in the political domain.

For Rawls, the term reasonableness "refers to the fair terms of social cooperation, and involves a notion of reciprocity and mutuality among people."[70] Reasonableness is defined by Rawls from two aspects of what counts as a reasonable person. The first basic aspect, Rawls argues, is the "willingness to propose principles and standards as fair terms of cooperation and to abide by them" given the assurance that others will likewise do so.[71] The second basic aspect is "the willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime."[72]

The public characteristic of the reasonable or reasonableness is clear now. By being reasonable, "we enter the public world as equals of others and stand ready to propose, or

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[65] John Rawls, *Political Liberalism*, 104.

[66] See ibid., 93.

[67] Ibid.

[68] Ibid., 103.

[69] See ibid., 94.

[70] Samuel Freeman, *Rawls* (Routledge collection, 2007) 296.

[71] John Rawls, *Political Liberalism*, 54.

[72] Ibid.

accept" fair terms of cooperation with others.[73] In as much as we are reasonable, we are ready to work out the framework, which is "reasonable to expect everyone to endorse and act on provided others can be relied on, to do the same,"[74] for the public social world. An expectation of reasonableness, being able to justify our actions to others, is therefore, the necessary condition for striving for a public basis of justification.

Religious disagreements are, to a certain extent, not public in the way I have presented above. Debates about religious doctrines, religious rules and religious rituals within each religion or among different religions belong to the domain of comprehensive doctrines' discussion. It is also not always the case that a society is organized on fair terms of social cooperation among participants, since religious communities can function in a variety of ways. Nevertheless, unless we are talking about a closed or a semi-closed religious community like the Amish community, which rarely interacts with or is affected by the outside world, we can say that if a religious believer is also a citizen or a society member of a constitutional democratic society and would like to associate with the society, he or she enters the public world just like everyone else. The expectation of taking others' interests into account, namely being reasonable, also applies. As a matter of fact, such an expectation of being reasonable or reasonableness is the prerequisite for them to share a public world with others who have differing religious and moral convictions. As an active participant in the society, a religious believer needs to go further than just tolerating others; she also needs to be able to justify political principles to others. A reasonable religious believer, who lives in a constitutional regime, is someone willing to propose and abide by fair terms of social cooperation, to accept the fact of reasonable pluralism (the fact that different people tend to form different religious and moral convictions), and to find a public basis of justification in terms of the legitimate exercise of political power.

To summarize the three steps above, firstly, the basic assumption of the fact of reasonable pluralism does not constitute a subjectivism of reasons. Secondly, even if we concede that subjectivism of reasons has the propensity to partially contribute to the reasonable disagreements about comprehensive doctrines, the goals of public justification are not then susceptible to subjectivism of reasons; rather, the public justification the consensus approach aims for can be "objective". The third step is that the objective standard of the consensus approach of public justification is a notion of reasonableness, which relies on the notion of a reasonable person. And this notion of reasonableness is shareable among reasonable citizens in a democratic society. Therefore,

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[73] Ibid., 114.

[74] Ibid., 53-54.

Gaus's conceptual link between subjective human reasons and reasonable disagreements about justice is untenable, and reasonable disagreements about justice are not as boundless as Gaus suggests. The next question is: to what degree can the reasonable disagreements about justice be extended? Can reasonable disagreements about justice be categorically differentiated from reasonable disagreements about comprehensive doctrines? And if so, on what basis?

V. The Relationship between Reasonable Disagreements about Justice and Comprehensive Doctrines

In this section, I am going to show that reasonable disagreements about justice are not as fundamental as reasonable disagreements about comprehensive doctrines. I shall make two major arguments in this section. First of all, I argue that, in contrast with what many have alleged, the consensus approach does not neglect, let alone deny the possibility of reasonable pluralism of justice. The challenge engendered by reasonable disagreements about justice, however, does not upset the provision of forming an overlapping consensus and depleting the content of public reason. As a matter of fact, the whole project of political liberalism is built upon the awareness of reasonable pluralism of justice and also the aspiration of evolving it. Secondly, I shall introduce a distinction between reasonable disagreements about justice and reasonable disagreements about comprehensive doctrines advanced by Jonathan Quong, responding to the claim that the equivalent fundamental reasonable pluralism of justice as reasonable pluralism of comprehensive doctrines unravels the consensus approach's project. In short, reasonable disagreements about justice are not as fundamental as disagreements about comprehensive doctrines after all.

5.1 Reasonable Disagreements about Justice: Presupposed by the Consensus Approach

As shown previously, given *A Theory of Justice* (*TJ*)'s failure in solving the congruence of justice and the good, *Political Liberalism* (*PL*) revised the theory due to the fact of reasonable disagreements about comprehensive doctrines; nevertheless, it does not mean that *PL* presumes no such reasonable pluralism about justice. In fact, Rawls has been aware of the reasonable disagreements about conceptions of justice since the beginning of the project of political liberalism.[75] As a matter of fact, he understands that it is

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[75] "In addition to conflicting comprehensive doctrines, *PL* does recognize that in any actual political society a number of differing liberal political conceptions of justice compete with one another in society's political debates." John Rawls, *Political Liberalism,* lvi.

precisely the reasonable pluralism of comprehensive doctrines that shows that the conception of justice as fairness is "unrealistic".[76] It is impossible in a well-ordered society's for all of its' citizens to endorse this conception of justice as fairness as a comprehensive doctrine. It is exactly this awareness that inspires the project of political liberalism. Rawls contends that *PL*'s main aim is to show "how a well-ordered society can be formulated given not only the fact of reasonable pluralism of comprehensive doctrines but also a *family* of reasonable political conceptions of justice."[77] Besides justice as fairness, Rawls believes that there are other reasonable political conceptions that can be part of an overlapping consensus of reasonable comprehensive doctrines, so long as they are reasonable and accept the fact of reasonable pluralism. Therefore, public reasoning can be conducted on the basis of reasons specified by a family of reasonable political conceptions of justice which can be endorsed by all reasonable citizens. Additionally, as public reason is specified not by one conception but a family of political conceptions of justice, which are bound to evolve over time and over debates, the content of public reason is by no means "fixed".[78] Reasonable disagreements about conceptions of justice along with their evolvements, are thus actually to be expected as the subject matter of public reason.

5.2 Reasonable Disagreements about Justice: Justificatory but Not Foundational

Jonathan Quong has introduced a distinction between two different types of reasonable disagreements to illustrate that reasonable pluralism about justice is not the type that poses a serious challenge to the consensus approach's main claim. Quong distinguishes what he calls *foundational disagreement* from *justificatory disagreement*. The former is "characterized by the fact that the participants do not share any premises serving as a mutually acceptable standard of justification."[79] The reasonable disagreements about comprehensive doctrines are foundational disagreements. The latter one, on the contrary, is the type that participants "do share premises which can serve as a mutually acceptable standard of justification," yet "they still disagree about some substantive conclusions."[80] And the reasonable pluralism about justice belongs to this type of justificatory disagreement. Quong argues that a political conception's public justification can still be met "when the state imposes a view that arises out of a justificatory disagreement"[81] as

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[76] Ibid., xix.

[77] Ibid., xlviii.

[78] See ibid., lii-liii.

[79] Jonathan Quong, *Liberalism without Perfection*, 193.

[80] Ibid.

[81] Ibid., 204.

long as it is free from foundational disagreement. Therefore, the so-called reasonable pluralism about justice shall not pose too much of a challenge to the consensus approach's account of public justification. Quong makes an analogy between a justificatory disagreement and a filter, which "ensures that any values or arguments in public debate will be at least mutually acceptable" if they are reasonable, but "it does not guarantee that all the participants will agree on the exact weight or ranking of those values or principles."[82]

Let me illustrate the difference between foundational disagreement and justificatory disagreement by a scenario of a debate among three friends regarding the issue of same-sex marriage. Say, hypothetically, three students Allan, Brian, and Carrie are discussing the legality of same-sex marriage.[83] Allan says, setting aside the legal question, from the perspective of morality, I believe that gay marriage is immoral, as according to the Bible, marriage is only between a man and a woman. Since the moral authority derives from God's command, only a marriage that takes place between a man and woman can be morally good. Carrie disagrees. Carrie rejects the idea that the Bible or God's commandments can be valid sources of morality. Rather, a same-sex marriage is two people's private affair which does not affect or hurt anyone; thus, it is not immoral at all. At this moment, Brian joins this debate too. Brian's point is not about the morality of gay marriage, but about the justice of legalizing gay marriage. Brian says, I believe it is unwise to legalize same-sex marriage. Firstly, some empirical studies have shown that children do less well when they are raised by same-sex parents than by heterosexual parents. Besides, the legalization might require some members of the clergy to perform ceremonies that violate their religious freedom, the fundamental constitutional right guaranteed in the first amendment of constitution. Carrie still disagrees. Carrie believes that the exclusion of gay couples from marriage hurts their equal dignity, and hence same-sex couples should not be discriminated against. The function of "religious freedom" articles should be the benchmark for exemptions to general laws, rather than a set of rules for a certain group of people. Also, Carrie says that permitting same-sex marriage would actually benefit children as more homeless children could be adopted.

In the debate between Allan and Carrie, the disagreement they have is a foundational disagreement about the morality of same-sex marriage. They disagree with each other at the level of ultimate convictions of human life and there is no common standard of justification as the basis for evaluating their debate. That is precisely why

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[82] Ibid., 207.

[83] The form of illustrating foundational disagreement and justificatory disagreement by means of a hypothetical conversation between Allan and Carrie and the later conversation between Brian and Carrie is inspired by Quong's two separate examples in *Liberalism without Perfection*, 204-206. Except, I deploy the form in one consistent instance relating to a more recent debating issue.

reasonable disagreement of comprehensive doctrines is foundational; there is no shared justificatory framework for assessing the disagreement. Their fundamental divergence lies in whether God's divine command or scripture could serve as a moral basis. Allan agrees whereas Carrie disagrees with such a fundamental moral presumption. It is impossible to decide whether Allan or Carrie is right in this debate, and their argument will require us to reflect on the issue of whether God exists and whether his commands should be the fundamental moral authority. However, the standard of evaluating these issues is certainly under serious dispute. The disagreement between Brian and Carrie, however, is a justificatory disagreement about marriage justice. In their debate, we can see that they both accept the fact of reasonable pluralism. Neither of them appeals to their comprehensive doctrines in their debate. Besides, they both aim to find the best answer to this question which is accessible and shareable for everyone. Brian believes the protection of religious liberty should take priority in this issue, while Carrie insists on the primacy of the values of equality and anti-discrimination. And they both believe their positions are the best interpretation of the ideal or concept of marriage justice.

VI. Political Liberalism as an Interpretive Project

Thus far, the two arguments in section five have illustrated two points. Firstly, the extent of reasonable disagreements about justice are not as deep as critics reckoned; reasonable disagreements about justice only exist at the level of justificatory disagreements, differing from reasonable disagreements about comprehensive doctrines that occupy the fundamental level in terms of ultimate convictions and human purposes. And secondly, reasonable disagreements about justice are presupposed by the project of political liberalism, and as a matter of fact, they encourage and propel interpretations of justice. However, Quong's arguments have not provided sufficient justification for these two points. In the previous subsection, I introduced Quong's argument of distinguishing reasonable pluralism of justice from reasonable pluralism of comprehensive doctrines by differentiating justificatory disagreements and foundational disagreements. While foundational disagreements are disagreements about ultimate convictions and human purposes all the way down with no agreements anywhere at all, justificatory disagreements are actually disagreements on the basis of foundational agreement. Then the question becomes, what is the foundational agreement? Similarly, why can we be sure that differing interpretations of justice encourage us to understand the idea of justice better, rather than further diverting us from it?

For Quong, in the previous example, in spite of Brian and Carrie's reasonable disagreements about justice, they still share the fundamental normative framework

insofar as they both abstain from engaging in comprehensive doctrines for solving political problems. In other words, they share a commitment to finding a political solution to political problems.[84] First of all, Brian and Carrie as social participants both believe that the society should be a fair system of social cooperation between free and equal citizens. Secondly, they both agree that their effort in finding the best interpretation of justice should be done based on setting aside the reasonable pluralism of their comprehensive doctrines. In other words, they believe that their argument should appeal to political values that are independent of any comprehensive doctrine. Such a foundational agreement manifests the minimal ideal of reasonableness, which according to Quong, consists of three basic premises of the project of political liberalism: (1) a fair, social, cooperative society constituted by (2) free and equal citizens who recognize (3) the fact of foundational reasonable pluralism.[85] It is the shared understanding of these premises that precludes reasonable citizens from relying on sectarian comprehensive doctrines and that makes them accept the freestanding character of principles of justice. For Quong, these premises are conceived as constituents of a reasonable citizen.[86] Likewise, in replying to Habermas's question of whether political liberalism uses the reasonable to express the truth or validity of moral judgments, Rawls expresses a similar view:

> "Political liberalism does not use the concept of moral truth applied to its own political judgments…political liberalism uses reasonable or unreasonable to make political judgments…It lays out political ideals, principles, and standards as criteria of the reasonable, which in turn is connected with the two basic aspects of reasonable persons as citizens…For the political purpose of discussing questions of constitutional essentials and basic justice, the idea of the reasonable is sufficient."[87]

However, the ideal of reasonableness as such seems severely insufficient to me. Instead

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[84] Ibid., 205.

[85] See ibid., 214. Quong's statements about the foundation of justificatory disagreements are: "It is the commitment to society as a fair system of social cooperation between free and equal citizens, and the acceptance of the burdens of judgment that provides a shared foundation or normative framework necessary to defuse the asymmetry objection."

[86] See ibid., 291. Quong says that, "Unreasonable citizens reject at least one, but usually several of the following: (a) that political society should be a fair system of social cooperation for mutual benefit, (b) that citizens are free and equal, and (c) the fact of reasonable pluralism. In rejecting any of the three ideas above or their deliberative priority, unreasonable citizens necessarily reject the project of publicly justifying political power."

[87] John Rawls, *Political Liberalism*, 394-395.

of treating those three points as premises of reasonableness as the moral foundation of political liberalism, my answer to those two questions proposed in the beginning of this section takes a different path.

As far as I am concerned, the deficiency of Quong's plan, and also of Rawls's construction of objectivity standard in *PL*, is the incapability of reasonableness adequately to serve as a moral foundation for political liberalism. If we ask why reasonable citizens share those premises as reasonable people, the only way to answer would be that otherwise they are being unreasonable, which to some extent ends the pursuit of an answer to that question. Moreover, the ideal of reasonableness works as a reflective second-order notion rather than a substantive first-order notion, in that reasonableness denotes the attitude (or willingness, as Rawls puts it) which sets a restriction on how reasonable citizens decide on the principles of justice, while it articulates no substantive political values or makes no claims pertaining to our constructions or propositions of conceptions of justice. The problem is, under the guidance of a reflective second-order notion, it is hard to fathom how reasonable disagreements about justice are anticipated by political liberalism and even would be able to promote our understanding of justice. Additionally, it is also unclear exactly how a *family* of conceptions of justice in the overlapping consensus comes about. The reflective second-order notion of reasonableness, however, is insufficient to serve as such a substantive moral ideal. The appreciation of reasonableness as a shared constraint on reasonable citizens contributes little to explaining away the instability brought by reasonable disagreements about justice, not to mention illuminating the prospect of an overlapping consensus on political principles of justice.

Therefore, I believe that the response to the asymmetry objection calls for a morally more robust foundation than the notion of reasonableness or a reasonable person. Such a notion should, on the one hand, be compatible with the fact of reasonable pluralism, and on the other hand be able to fit the liberal political practices and also lead the development of conceptions of justice along with social changes. Dworkin's suggestion of launching the project of political liberalism as an interpretive project seems like a promising candidate for directing the way toward such a notion,[88] for two reasons: for one thing, an interpretive light corresponds with the practical sensitivity of political liberalism; moreover, considering political liberalism as an interpretive project precisely explains Rawls's vision that a family of reasonable political conceptions of justice is bound to evolve along with social and institutional practices.

According to Dworkin, a successful interpretation of the concept of justice in a

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[88] See Ronald Dworkin, *Justice for Hedgehogs*, 63-66.

liberal democratic society includes two dimensions: one, it should fit the contemporary liberal institutional and social practices, and two, the interpreted conception should also put the practices in the best light, that is to say, it should also manifest the values that the practices serves.[89] On the basis of Rawls's distinction of "concept" and "conception" in *TJ*, Dworkin has elaborated them further in *Law's Empire*.[90] For concepts like justice (concepts like democracy, liberty, equality, law and so on are all the same kind), we in general "agree about the most general and abstract propositions" about it and we share a practice of "judging acts and institutions as just and unjust", but we "disagree about more concrete refinements or interpretations of these abstract propositions."[91] People can share the concept of justice in spite of sharp disagreements about, for instance, both the criteria for identifying justice and about which institutions are unjust. Concepts like justice actually encourage us to reflect on and contest its practice. We can share such a concept while we do not have to share their instances. On the one hand, we "share the concept of justice in complex political practices" which require us to "interpret these practices in order to decide how best to continue them."[92] On the other hand, the concept of justice is elaborated by us "assigning value and purpose to the political practice", so that we form views of the particular conceptions of justice "in light of the purpose and values".[93] An illuminating analysis of the concept of justice "must deploy… the value that the practice [of justice] should be taken to serve and of the conceptions of the concepts in play that best serve those values."[94] It is also the reason that a useful analysis of the concept of justice cannot be entirely value neutral. The argument we are having over reasonable disagreements about conceptions of justice is an effort to find the best interpretation of the concept of justice. The subject matter that we are arguing about when it comes to public reason and trying to reach a public justification for is about a family of conceptions of justice, whilst it is the basic and also relatively general concept of justice that supplies the standard for our public reason. Therefore, the distinction between concept and conception helps us understand that firstly, a compelling theory of justice is in itself very likely to be controversial. Moreover, the controversies of interpretive concepts such as justice are not random controversies, but are guided by the underlying values of the concept. In this sense, it is solid to argue that reasonable

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[89] See Ronald Dworkin, *Justice in Robes* (Cambridge: Harvard University Press, 2006) 15.

[90] John Rawls made the distinction in *A Theory of Justice* (Harvard University Press, 1971) 5, while this pair of distinctions was wielded to a more prominent extent in *Law's Empire*'s first chapter.

[91] Ronald Dworkin, *Law's Empire* (Cambridge: Harvard University Press, 1986) 70. Ronald Dworkin, *Justice in Robes*, 224.

[92] Ronald Dworkin, *Justice in Robes*, 12.

[93] See ibid.

[94] Ibid., 225.

disagreements about conceptions of justice are rather encouraged, and they promote our understanding of the concept of justice in our political practices.

VII. The Moral Foundation of Political Liberalism

In putting political liberalism under the light of interpretivism, it is important to note that an interpretive project cannot be a morally trivial one. Any interpretation of a political tradition must choose among very different conceptions of what that tradition embodies and "take some to be superior and hence to provide a more satisfactory justification than others."[95] Accordingly, the political constructivism adopted by political liberals must "construct" toward some substantive moral ideals "that provide the best account and justification of the liberal traditions of law and political practices."[96] Political liberalism understood as an interpretive project requires us to identify these ideals or values underlying its political and legal practice. Inasmuch as the fundamental commitment to the ideal of justice is shared, the interpretations of justice will steadily progress under the guidance of its core values.

It is a prevalent misunderstanding that *PL* recasts its commitment to justice in *TJ* as it has shifted its focus to the legitimacy of conceptions of justice. However, this does not mean that *PL*'s quest for legitimacy is irrelevant to *TJ*'s concern for justice. Contrariwise, the public justification of the legitimacy of political institutions cannot be achieved if it is fundamentally at odds with basic tenets of justice. The achievement of political conceptions' legitimacy must be conducted upon the fundamental aspiration of justice. The project of political liberalism is intrinsically committed to justice in spite of the reasonable pluralism about comprehensive doctrines. In the project of political liberalism, reasonable citizens still search for the most appropriate or the best conceptions of justice. Political liberalism has included more conceptions or interpretations of justice since legitimacy (its goal) is less stringent than only the truth of justice, which is what sets political liberalism apart from the undertaking of *TJ*.

As what I argued in the previous chapter, the fact of reasonable pluralism makes us consider that what essentially matters in politics is not *the truth of the comprehensive doctrines* ascribed to by the people, but *the people* who hold differing comprehensive doctrines. Therefore, that a liberal state should refrain from imposing the truth claim of any

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[95] See Ronald Dworkin, *Justice for Hedgehogs*, 66. Jeremy Waldron also laments the notion that we are losing real open-ended public debate in exchange for a form of reasonableness consisting of "bland appeals to harmless nostrums that are accepted without question on all sides." See Jeremy Waldron, "Religious Contribution in Public Deliberation," *San Diego Law Review* 30 (1993): 842.

[96] See Ronald Dworkin, *Justice for Hedgehogs,* 66.

particular comprehensive doctrine is not because of the merit of any other comprehensive doctrine, but rather out of respect for those citizens who hold those doctrines. And Charles Larmore also suggests that the fundamental basis of public justification is the equal respect for persons.[97] Yet, the equal respect in Larmore's term is as inadequate as reasonableness for political liberalism, for it is also a second-order claim, thus it falls short of providing a first-order substantive moral basis for political liberalism.

By contrast, I conceive equal respect as a first-order substantive basis of justice in the domain of the political for political liberalism. Equal respect for people is shown as a vindication of three main pillars of political values: freedom, equality, and fairness, all of which are embodied in those three basic premises of a reasonable person. In contrast to what Quong and Rawls have argued, those basic premises of political liberalism are neither facts nor *ex ante* assumptions of political liberalism as a package deal. Instead, those premises have identified the most important political values of freedom, equality, and fairness that reasonable citizens accept as valuable, which constitute what counts as equal respect for people, the cornerstone of justice in the political domain. These values are so fundamental to liberal political practice that a better understanding of these values will help us better understand what is just and what is not.

Specifically, firstly, citizens are free and equal in the sense that each possesses these two moral powers: (1) "the capacity to form, revise, and rationally pursue a conception of one's rational good", and (2) "the capacity to understand, to apply, and act from a public conception of justice."[98] Furthermore, the value of fairness is embodied by fair terms of social cooperation and the requirement that every citizen understands that they cannot impose their comprehensive doctrines on others. As Samuel Freeman has made clear, reasonable people act in ways that can be justified to others and are willing to abide by fair terms of social cooperation for their own sake. If a person "takes advantage of every opportunity" to favor him and only himself, "but in doing so is insensitive to the interests of others and does not care about the adverse effects" inflicted upon them, then "he is acting unfairly and is being unreasonable."[99]

Critics tend to confuse the consensus of "the consensus approach" with the consensus in the concept of "overlapping consensus" so that they believe the consensus approach pursues an actual consensus in public reasoning. At one point, Gaus claims that the consensus approach Rawls and Macedo advocate is a populist theory of public

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justification which takes popular acceptance as its goal, hence is not a justificatory theory.[100] I believe that I have already shown that this is a misunderstanding of the consensus approach. The consensus approach is not concerned with a unanimous consensus about the conception of justice, but about the way reasonable citizens deliberate. The consensus that "the consensus approach" aims for is the manner of shareable public reason in public reasoning. Perhaps a minor adjustment of expression in *PL* would have been of some help to make this clearer. Rawls describes the endorsement of citizens of an overlapping consensus of comprehensive doctrines as something they were "expected to endorse". Given the consensus approach's insistence on distinguishing an overlapping consensus from a *modus vivendi* by sincere moral support, it is understandable that many critics take this endorsement as amounting to agreeing to the justification of such a consensus as morally right. Nevertheless, it is not how Rawls or other public reason liberals understand "expected to endorse". Also, taking the endorsement as a fully moral agreement has overlooked the initiative of political liberalism. The more accurate understanding of such endorsement perhaps should be cast in light of a Scanlonian sense of "cannot reasonably reject".[101] After a public deliberation on a law's legitimacy that is conducted by shareable public reasons, citizens would have no reason to reject the result even though they still do not believe that result is morally correct. Let us go back to the earlier hypothetical debate between Brian and Carrie about the justice of legalizing same-sex marriage. As a matter of fact, it is very likely that after serious debates Brian and Carrie will still disagree with each other. However, it would be acceptable for both of them if the state were to act on the basis of either of their arguments. That is to say, Brian cannot reasonably reject or he can reasonably be expected to endorse the state's decision resting on Carrie's reason even if he does not believe it is the best or even correct reason, and vice versa. This is because their reasons are mutually acceptable to each other because they both share the premise that the society is fair, citizens are free and equal, and everyone accepts the fact of reasonable disagreement of comprehensive doctrines. And they share those premises because they are morally correct. Plus, religious liberty, non-establishment and anti-discrimination are all important political values that both Brian and Carrie are committed to. The key point is that both Brian and Carrie's decisions in that debate are different interpretations of justice that are both in accordance with equal respect for people, and thus are expected to be accepted by all reasonable citizens. Therefore, in a dispute regarding a certain law's legitimacy, by offering such reasons to each other in

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[100] See Gerald Gaus, *Justificatory Liberalism: an essay on epistemology and political theory,* 132.

[101] See T. M. Scanlon, *What We Owe to Each Other* (Harvard University Press, 1998) 4-10, 33, 85, 106, etc.

public discussions, reasonable citizens can be expected to endorse the legitimacy of a family of conceptions of justice even when they have reasonable disagreements about them.

The consensus approach's retreat from committing to any comprehensive doctrine does not mean it loses its commitment to justice. The key to upholding the consensus approach's account of public justification is that reasonable citizens share these foundational premises, for they are the most fundamental values for understanding what equal respect is in a liberal society. The reason why citizens share foundational premises precisely lies in the common ground of their claim to shareable public reason for public justification. These political values are tied to the principles of political justice and facilitate fair social cooperation over time. Therefore, these political values are not, like their critics have implied, a coincidental overlapping consensus that happens to have emerged from the convergence of every citizen's comprehensive doctrines. Rather, they are the very values that manifest the equal respect people have for each other in a liberal democratic society that political liberalism stands for and the firm basis on which reasonable citizens can conduct public reasoning.[102] Rawls and other political liberals advocate that a theory of justice must be presented in a way that is independent of any comprehensive doctrine. I still believe that they are absolutely right about that, but the only exception, the only particular comprehensive doctrine that we are committed to, is equal respect for people as the basis for a just political life, which appreciates the political values of freedom, equality and fairness. At the end of the day, I believe a political project of liberalism has made one truth claim that it has not given explicit voice to, which is the equal respect for people consolidated by fairly treating citizens as equal and free moral persons, certainly still confined in the domain of the political. It is this claim that sets political liberalism apart from populist politics.

One last point before concluding. Along with Dworkin, I also believe that political liberalism is better seen as an interpretive project, which fits with Rawls's claim of the evolvement of conceptions of justice along with social and institutional practice. And I also believe that political liberalism must call for a morally more substantive concept than the second-order notion of reasonableness for the purpose of interpretation. But I also think we need not go as far as Dworkin hopes for. Dworkin argues that "a useful analysis

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[102] In "The Idea of Public Reason Revisited", Rawls said that, "Political liberalism holds that even though our comprehensive doctrines are irreconcilable and cannot be compromised, nevertheless citizens who affirm reasonable doctrines may share reasons of another kind, namely, public reasons given in terms of political conceptions of justice…public reason is a way of reasoning about political values shared by free and equal citizens that does not trespass on citizens' comprehensive doctrines so long as those doctrines are consistent with a democratic polity." See John Rawls, "The Idea of Public Reason Revisited", 805, 807.

of an interpretive concept must join issue in the controversies it hopes to illuminate".[103] However, we do not need to get involved in controversies in comprehensive doctrines to grasp the understanding of justice. The only concession regarding truth claims that political liberalism has to concede is the respect for people, which consists in respecting them as free and equal moral persons, and treating them fairly.

VIII. Concluding Remarks

This chapter examines two major critiques of the consensus account of public reason from the alternative approach, the convergence approach. The convergence approach opposes liberals' consensus justification for secularism, established on the basis of shareable public reason, which inevitably excludes religious reasons and arguments from the public sphere. Instead, the convergence approach calls for a wide inclusion of all moral and religious points of view held by each citizen in public reason. In general, the convergence approach raises four major arguments against the consensus approach of public justification, targeting two aspects, with each aspect also generating two critiques. The general two aspects are the plausibility of having shareable public reason and the desirability of utilizing shareable public reason. This chapter mainly discusses the two critiques from the first perspective: shareable public reason's plausibility. The convergence approach points out that due to the fact of reasonable pluralism the consensus approach is wrong in presuming the shareability of human reason in general (the subjectivism critique), and because of this, the consensus approach's account of public justification also suffers from reasonable disagreements about justice (the asymmetry critique).

The realization of the fact of reasonable pluralism prompts Rawls's turning from *TJ* to *PL*. He realizes that, due to the fact of reasonable disagreement about comprehensive doctrines, it is unstable to insist on the conception of justice as fairness. Therefore, he advances the project of political liberalism to argue that in spite of reasonable pluralism, there can be a family of political conceptions of justice that are supported by political values which are expected to be endorsed by all reasonable citizens with common public reason that is shareable. A family of political conceptions of justice which have met such a condition can serve as a basis for public reason and justification. In this chapter, I have argued that, as an interpretive project, political liberalism ultimately is committed to and honors the equal respect we have for people manifested by the political values of freedom, equality and fairness, which is the baseline of justice in political life. The foundational commitment to equal respect in turn sets a limit to the fact of reasonable

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[103] Ronald Dworkin, *Justice in Robes*, 225.

pluralism in the political sphere. The fact of reasonable pluralism does not frustrate the project of *TJ*; rather, the development of the project of political liberalism in its awakening also carries on *TJ*'s endeavor of justice, and furthermore, enriches it with more possibilities for our increasingly diverse liberal societies.

Chapter Five: Defeating the Integrity Critique

I. Introduction

In the last chapter, I presented the convergence approach's four major critiques of the shareability requirement of public reason. They are concerned with two aspects: the plausibility and desirability of the shareability requirement, and each aspect includes two specific critiques. I discussed the first aspect of the convergence approach's critiques: the plausibility of shareable public reason. The convergence approach argues that, due to the fact of reasonable pluralism, human reasons are bound to be unshareable by nature (the subjectivism critique). Consequently, conceptions of justice are also too profound and divided to be shareable, so that the content of public reason cannot be fulfilled by an overlapping consensus of reasonable comprehensive doctrines (the asymmetry critique). I argued that these two critiques are both untenable. The standard of public justification can be objective enough in the political realm, thus the subjectivism critique is a farfetched inference of reasonable pluralism. Moreover, the limit of reasonable pluralism is actually placed by a fundamental commitment to justice, manifested by the core values of freedom, equality, and fairness. This limit of reasonable pluralism also determines that disagreements about justice are, as a matter of fact, the expected interpretations of justice.

This chapter is going to consider the convergence approach's first critique of the desirability aspect of shareable public reason. They argue that the consensus approach has inflicted on citizens excessive burdens and discouraged their following the moral duty of respecting the shareable public reason (the Integrity Critique). The essence of this critique is mainly embodied in the argument of integrity. The integrity argument states that the shareable public reason requirement has cut off citizens' ultimate moral and religious convictions, thereby damaging their integrated existence by obstructing the invocation of their moral and religious convictions into public reason and justification. Moreover, such a requirement prevents religious citizens from adequately participating in democracy and even infringes upon their religious liberty. The convergence approach furthermore points out that the integrity argument not only illustrates the consensus approach's undesirability, it also reveals its own corresponding desirability. Contrary to the consensus account, the convergence approach believes that integrity is a foundational value in public reason, and its inclusive approach of allowing all points of views into public reason preserves citizens' integrity and freedom in the political society.

With respect to the integrity critique, I will argue that the requirement of shareability of public reason does not harm citizens' integrity, as it by no means requires citizens to

denounce their most fundamental moral and religious convictions. Furthermore, I will distinguish between "full participation" and "unrestricted participation", as was originally done by Robert Audi to explain how a religious citizen can participate in politics unrestrictedly but not fully, and *vice versa*. Additionally, since such a requirement of shareable public reason is not a legal duty but a moral duty, it leaves citizens' religious liberty and their freedom in general intact. Therefore, these rebuttals will largely clear the integrity charge that the convergence approach raised against the consensus approach. Moreover, I will argue that not only does the convergence approach fail to undermine the consensus account, but also that it fails to accomplish its theoretical aspiration in safeguarding individual integrity, thus it ceases to be a promising approach.

In the second section, I will begin to unfold the integrity critique. In the third and fourth sections, in defense of the consensus approach, I will argue that such an argument does not truly undercut the efficacy of the consensus approach's account of citizens' moral duty. Completing the defense for the consensus approach regarding the integrity critique, the fifth section will illustrate the groundlessness of the convergence approach's claim of integrity, namely why the convergence approach itself also fails to fulfill its goal of sustaining citizens' integrity in the political society. In Section Six, I will consider a critique related to the integrity critique which argues that the exclusion of nonpublic reason in public deliberation is unfair.

II. The Convergence Approach's Integrity Critique: Citizens' Lack of Moral Motivation

The Integrity Critique claims that the consensus account of public reason has imposed too onerous a burden on citizens, especially religious citizens. According to the consensus approach, citizens are asked to refrain from invoking their own moral and religious convictions in public reason and justification. Therefore, it might encroach upon their integrated existence, and it also infringes on their freedom. Contra the consensus conception, the convergence approach has its intuitive practical attractions to religious citizens. The convergence conception incorporates all comprehensive reasons held by citizens into public reason in the public discourse, which allows religious citizens to participate in political debates with their religious arguments. The convergence approach believes that it secures citizens' individual integrity and hence helps them fulfill their freedom in the political society. The convergence approach thus develops an essential integrity argument, which mainly claims that: (1) shared public reason damages religious citizens' integrated existence; and (2) it prevents them from democratically participating in politics and (3) more seriously, it encroaches upon citizens' religious liberty.

2.1 The Integrity Critique & the Claim of Integrity[1]

Nicholas Wolterstorff criticizes the consensus approach's requirement that of shareable public reason demands religious citizens to refrain from invoking religious arguments in the public discourse, constituting serious damage to religious citizens' integrated existence and their identity. Wolterstorff endorses the convergence approach since it protects every citizen's particularity. According to the convergence conception, we can advance different reasons to different citizens as they see them as persuasive. Wolterstorff believes that it is each person's own "moral and religious perspective that leads her to articulate the ethic of the citizen in a liberal democracy."[2] A religious person inexorably bases her decisions concerning fundamental issues of justice on her religious convictions. And even when a person plays the role of a citizen, it is still impossible for her to "leap out her perspective" as there is no "adequate independent source".[3] For a religious person, the endeavor to achieve integrated personhood is not an option but a necessity.

Likewise, Jeffrey Stout also understands the consensus conception of public justification as an impairment to religious people's integrity and, furthermore, as an impediment to their expressive freedom. The true respect for others, as Stout sees it, is "most fully displayed in the kind of exchange where each person's deepest commitments can be recognized and assessed for what they are properly."[4] Stout points out that the trouble with the consensus conception is that it "underestimates the role of a person's

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[1] In this chapter, I use "integrity", "identity" and "integrated existence" interchangeably. The integrity argument also has some related variations, such as the truthfulness argument, the fairness argument and so on. In this chapter, I crystalize these related arguments as the integrity argument.

The exclusion of comprehensive moral and religious convictions is also an exclusion of citizens' most profound understanding of truth. It nevertheless expresses a more general concern about the political approach of secularism, which I have already mentioned in my second chapter. Besides, it is probable that religious citizens may feel it is unfair to them since it is religious reasons and arguments that are excluded from public reason, and so it may seem that the consensus approach unfairly prefers secular perspectives over religious ones. However, a shareable requirement itself involves nothing about the dichotomy between secular and religious perspectives; it is just that religious reasons are fundamentally unshareable for a general citizenry. Even the religious critic Philip Quinn acknowledges that this political liberal approach is fair for religious reasons. See Philip Quinn, "Political Liberalisms and Their Exclusions of the Religious", *Proceedings and Addresses of the American Philosophical Association* 69 ((1995): 42.

[2] Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues", in Robert Audi & Nicholas Wolterstorff, *Religion in the Public Square: the place of religious convictions in political debate.* (Maryland: Rowman& Littlefield Publishers Inc.1997) 113.

[3] Ibid.

[4] Jeffery Stout, *Democracy and Tradition* (Princeton: Princeton University Press 2004)10.

collateral commitments in determining what he or she can reasonably reject when deciding basic political questions."[5] In order to understand a person, seeing his wider cultural and communal surroundings, including his religious convictions as a horizon (which Wolterstorff calls perspective and Stout calls collateral commitment), is vitally significant. The full definition of one's identity or existence therefore involves references to a defining horizon. As Charles Taylor states:

> "My identity is defined by the commitments and identifications which provide the frame or horizon within which I can try to determine from case to case what is good, or value, or what ought to be done, or what I endorse or oppose."[6]

That is to say, people's self-definition and their conceptions of the good are inseparable from their own horizons, which are constituted by many other people. To be specific, our horizon—the meanings we project onto the world around us—is the result of a lifelong education, or disciplining, or socialization, by other people. These other people thereby become constitutive of our horizon.[7] It is a classical Hegelian vision of self-consciousness. Simply put, it is impossible for one individual to understand herself without interaction with and recognition of another individual. We become self-conscious of ourselves from others, and we gain our freedom also because of it.

A person's horizon varies a great deal from person to person, including his values, religious judgments, and conceptions of good. Stout points out that it is impossible to expect that political issues, even fundamental political questions (such as "constitutional essentials and questions of basic justice" in the Rawlsian sense) will not be influenced by individual particularities.[8] Along with Wolterstorff, Stout believes that the real way to show respect to another also largely lies in the respect for distinctive point of view, namely, her individuality or "particularity".[9] However, the consensus approach requires a shared common basis of reasoning in principles, which counters the fact that the reason we have is located in our individual horizons. Therefore, Stout sides with the convergence approach's public justification conception.[10]

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[5] Ibid., 70.

[6] Charles Taylor, *Sources of The Self: the making of the modern identity* (Cambridge: Harvard University Press, 1989) 27.

[7] I thank Arie-Jan Kwak for the elaboration on this point.

[8] Jeffery Stout, *Democracy and Tradition*, 70.

[9] Ibid., 72.

[10] Stout, however, departs from Wolterstorff in the aspect that Stout does not believe one's collateral commitment is primarily determined by one's "consocial" or group environment. Stout believes that a

Wolterstorff and Stout's arguments have illustrated why they believe that religious citizens' integrated existence will be severely undermined by the consensus conception. As for the fundamental significance of a person's integrity or identity, apart from recognition from others—which is what respect for people entails—Taylor also points out that it assists our self-understanding. For Taylor, selfhood or personhood is mainly what distinguishes humans from other beings like animals, while identity is a feature of the substantive content of selfhood.[11]

Moreover, apart from criticizing the consensus approach's failure in cutting off citizens' integrated existence, the convergence approach also makes a positive claim. As they respect the value of integrity, they claim that their approach overcomes a severe deficiency of the consensus approach, and therefore offers a more promising alternative. The convergence approach links the value of integrity with the principle of public justification. Vallier claims that "respect for integrity" and "respect for reasonable pluralism" are the foundational values in public reason. It is these two foundational values that account for the basis of public justification, and also "shape the structure of law ratified by public justification".[12] From the perspective of grounding the public justification, Vallier identifies the root of public justification with the recognition that living in accordance with my own projects and principles is a fundamental right.[13] Therefore, "when coercion is publicly justified, it no longer restrains persons' actions in ways they find objectionable".[14] Regarding the second function, public justification entails that coercion must be acceptable for each citizen; the public justification principle is therefore meant to "respect each person's point of view", which is "bound up with their integrity".[15] Echoing what Taylor and other Hegelians argue, it is the value of integrity that shapes our options, preferences, and life projects. "Integrity carves out social space for each person to pursue her projects and act in concert with her

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person's exposure to culture or influences from outside his group also constitute to his identity or individuality. One would fail to express respect for another "if one assimilates his view to some form of group thinking." Therefore, the differences setting off one community from another are not only differences that make a difference in political debate. "There are also differences that set off individuals from the communities in which they were raised or with which at some point they become affiliated." See ibid., 74-75.

Paul Cliteur brings to my attention that Stout's image of a Socratic dialogue is actually not apt. Socrates was a ruthless rationalist, who would have no time for people who advance reasons that he could not understand and critically analyze.

[11] Charles Taylor, *Sources of The Self: the making of the modern identity*, 33-34.

[12] See Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Routledge, 2014) 85.

[13] See ibid., 86.

[14] Ibid., 87.

[15] Ibid., 88.

principles."[16] Integrity-based reasons thus serve as the most secure foundation and "robust defeaters" against "a whole host of competitor reasons"; and by the same token, "for a wide range of laws".[17] Therefore, the convergence approach makes a claim that is on the exact opposite of the consensus approach, the claim of integrity, which protects citizens' integrity in the political sphere.

Let me abstract the following propositions to sum up the integrity argument's line of critiques of the consensus approach:

p(1) As a moral person, one needs to fully understand oneself.

p(2) A full self-understanding is a person's understanding of their particular integrated existences inhabiting their horizon or collateral commitments which include their fundamental moral and religious convictions.

p(3) Due to the varieties of every one's horizon or collateral commitments, every individual has their own particularity.

p(4) Expressing selves or respecting other moral persons is recognizing their individuality or particularity.

p(5) Therefore, a true expression of respect is manifested in recognizing everyone's individual integrated existence, including their deepest moral and religious convictions.

p(6) One's political existence is also embedded in one's integrated existence; therefore it is impossible for one to step out of their integrated horizon in political matters. In other words, the pursuit of one's integrated existence is a necessity rather than an option.

p(7) Therefore, political issues should be decided in light of one's integrated existence, including one's own fundamental convictions.

p(8) The consensus conception's requirement of shared public reason in political discourse, however, requires religious citizens to exclude their most fundamental convictions,[18] namely their religious points of view.

p(9) For religious citizens, excluding their most fundamental religious convictions from the political discourse is breaking down their integrated existence.

Hence, the first outcome for religious citizens is:

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[16] Ibid.

[17] Ibid.

[18] We have to be careful here that the exclusion of religious points of views from public reason is not just the exclusive version; it also includes the inclusive version of public reason. Inclusive public reason still excludes those comprehensive views which cannot be supported by political values and principles.

Outcome A: The consensus conception breaks down religious citizens' integrated existence.

Due to the constraint brought about by the consensus approach, the convergence account claims that either citizens cannot act on what truly motivates them, or they have to "bear the costs of being alienated from some sectors of their society"[19], most likely from their own religious communities, for instance, recognition, fraternity, and mutual understanding, among others. If religious citizens receive a message from the society that "acting on religious reasons in the public sphere is considered inappropriate or immoral," some of them probably "will be less inclined to act in accordance with their religious identities for the fear" of social pressure or public condemnation.[20] Yet a citizen as a social being craves recognition from those with whom he associates and feels belonging. Such a yearning could be so strong that a religious citizen may suffer from the difficult struggle between the loss of fraternity with his most intimate social relations and the danger of being subject to public condemnation.

2.2 Restraints on Citizens' Freedom in Democratic Societies

The integrity argument is established upon a basic presumption about personhood which is beyond reproach, consisting of p(1) to p(5): every human being deserves to be fully respected by others for who they are.[21] The preservation of their integrated existence is also undeniably a part of "respecting others as who they are". The core claim of the integrity argument, the articulation of one's integrated existence in liberal democracy starts from p(6) on. According to this line of reasoning of the integrity argument, the first undesirable outcome of the consensus conception is that it splits the identities of religious people.

Stout thinks that the consensus conception's shared public reason is in tension with democratic citizens' liberty of free expression. Stout believes that all democratic citizens have the freedom "to express whatever premises actually serve as reasons for their claims."[22] It is a specific and practical criticism, and Stout's critiques stem from Hegel's criticism of Kantian moral epistemology. To begin with, Stout argues that the whole

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[19] Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation,* 62.

[20] Ibid.

[21] There is some limitation, of course, in that we don't respect a thief for his thieving behavior or a murder for his murderousness, etc. I thank Paul Cliteur for pointing this out to me.

[22] See Jeffery Stout, *Democracy and Tradition*, 10.

paradigm of public justification is still attributed to the same category of Kant's model, which is hardly a model that every reasonable citizen is expected to endorse.[23] For example, "Hegel believes Kantian preoccupation with universally valid principles epistemologically naïve" and the political liberal evaluative criterion of reasonableness too static.[24] Hegel believes that social and political norms are creations of social practices which are always in a process of unfolding transformation in time.[25] According to the Hegelian paradigm, unlike the reasonable persons in the Kantian paradigm, reasonable individuals do not merely *statically* agree to rules that everyone else agrees but are always "prepared to engage in discursive exchanges with any point of view that they can recognize as responsibly held".[26] That is the reason that individuals' free expression is of much importance for us as these exchanges involve an "improvisational and immanent" expression of one's own point of view, which fundamentally shapes our social practices and consequently our social rules.[27] To that extent, free expression is seen as a celebration of "democratic individuality as a positive good."[28] Stout emphasizes that "to take expressive freedom seriously is to see our capacity to engage in reasoning… as something that cannot be captured *definitively* in the mere *application* of rules that no reasonable person could reasonably reject."[29] As a result, the consensus conception which breaks down religious people's integrity also prevents them from acting on their convictions in the political domain, the vital domain of life. Stout argues that we should accept the convergence conception "to reason from widely justifiable premises in the political arena."[30] Therefore, this harm to religious people's integrity has in effect unduly constrained their democratic participation in political life. Either they cannot act on what truly motivate them, or they have to bear the costs of being alienated from some sectors of their society. It is also a practical concern that citizens should be able to fully participate in politics according to their own viewpoints. Paul Weithman claims that citizens should be allowed to participate in public life, in most cases voting, according to

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[23] Ibid., 78.

[24] Ibid., 78, 80.

[25] Ibid., 79.

[26] Ibid., 80.

[27] Ibid.

[28] Ibid., 84. This advancement of free expression is also the positive freedom that Isaiah Berlin brought to revived emphasis in the paper "Two Concepts of Liberty".

[29] Ibid., 80. Italic added by me.

[30] Ibid., 82. Stout also believes that Hegelian arguments suffice to abandon contractarianism altogether. According to Hegelian epistemology, "normative concepts are not located at the contractual level and applied on the basis of the constitutive contract." Rather, "they are in the process of mutual recognition" in which individuals respect each other's individuality and conduct the exchanges of reasons.

their own concerns and what matters to them the most. When they vote for public candidates, the votes should be based on candidates' positions on public issues or what is of most importance to them.[31] Weithman argues that the right attitude requires "not that there be one ground… which all can affirm, but that for each person there be some ground for them that they can affirm."[32] For example, some citizens view the value of family as the most important issue; some are more concerned with the equality of women; while some may have more of an interest in environmental and animal welfare. There is nothing wrong with them converging on liberal democracy from differing perspectives.[33]

Therefore, the second undesirable outcome of the integrity critique is stated as:

> Outcome B: The consensus conception's requirement of shared public reason also results in restricting religious citizens' full participation in democratic societies.

A related but harsher criticism of the consensus approach is that its refusal to allow religious reasons and religious arguments into public deliberation not only damages religious citizens' positive freedom in a democracy, but that it also curtails their religious freedom. Religious liberty is a fundamental constitutional right, according to which one is able to act on one's beliefs to the extent of holding the beliefs and participating in religious practice, i.e., worship. Therefore, if, for instance, citizens are told that they should not rely on their religious beliefs to vote for the candidates they prefer, this is a serious constraint on the free exercise of their religion. Subsequently, the third undesirable outcome derived from the integrity critique is:

> Outcome C: Restricting religious citizens in referring to their religious beliefs in democratic engagement particularly invades their religious liberty.

To sum up, these nine propositions from the integrity argument have made a compelling case against the consensus conception. Three unpleasant outcomes follow: 1) by virtue of asking religious citizens to shelve their deepest religious convictions in the political discourse, the consensus conception is fundamentally at odds with this precious ideal of holding a person's integrated existence together. Worse still, the consensus conception

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[31] Paul Weithman, *Religion and the Obligations of Citizenship* (Cambridge: Cambridge University Press, 2004) 216-217.

[32] Ibid., 216.

[33] Ibid., 217.

also 2) at a more general level, curtails religious citizens' freedom to participate in a democratic society as citizens and 3) especially curtails their religious freedom. To protect citizens, especially religious citizens, from these consequences, the critics suggest a rejection of the consensus conception and advocate for the convergence approach, which could protect citizens' integrity.

III. Defeating the Integrity Critique

As powerful as the integrity argument's critiques are, I nevertheless believe they are mistaken.[34] A valid defense for the consensus approach against the convergence approach's integrity argument needs to consider and rebut those three undesirable outcomes one by one. First of all, I will argue that the respect or recognition of one's integrity or identity is not a predominant ideal that directs one's decisions in every matter of life. Secondly, the consensus conception's requirement of shared public reason does not damage religious citizens' integrated existence. Thirdly, contra outcome B, the consensus conception is the one encouraging citizens' full participation in democracy. Last but not least, unlike outcome C, the shareable public reason requirement does not infringe upon religious citizens' religious liberty. In this current and the following section, I will take on these three points respectively.

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[34] Brian Barry argues that it is a mistake of political liberalism to come up with a plausible account explaining why citizens' sense of justice is congruent with their conceptions of good. Barry argues that the sense of justice alone is enough to motivate citizens to participate in a stable polity in a democratic society. For Barry's critique, see Brian Barry, "John Rawls and the Search for Stability," *Ethics* 105 (1995): 874–915.

 Barry's critique has shown that he adopts a moral internalist account of moral motivation which says that moral reasons alone can motivate people's actions, and moral desires are not needed. Internalism, externalism, and the Humean account are all explanations of the link between moral judgment and moral motivations. Internalism argues that moral judgment suffices for moral motivation, while externalism believes that it is the desire that really motivates moral agents' actions, and the Humean account argues for the combination of moral judgment and desire. For the divergence of moral internalism, externalism, and the Humean account in moral psychology. See Michael Smith, *The Moral Problem*, (Blackwell Publishing, 1994) Chapter 4.

 It appears that since Barry's critique has illuminated a divergence between two accounts of moral motivation, moral internalism and externalism, in order to address his critique properly, political liberals have to take a stand between these two accounts. However, the fact of reasonable pluralism implies that moral motivation is also subject to reasonable disagreements, thus the disagreement of what really explains moral motivation is just as profound for political liberalism to settle. (It appears that Rawls adopted a weak externalism in this regard, which does not matter nonetheless.) Nevertheless, I believe it is because the arguments with respect to the sense of justice already suffice for those moral internalists, whereas a full range covering this issue needs to take into account those who are not swayed by moral internalism. But of course a full examination of this matter exceeds the scope of this thesis.

3.1 Integrity: Not a Trumping Ideal

As previously pointed out, the key claim of the integrity argument is p(6): the inseparability of one's political existence from one's individual existence. Since it is a necessity for one to search for and preserve one's integrity, it is impossible for one to step out of one's integrated horizon and into some sort of independent source when it comes to making political decisions. However, I argue that keeping a moral person's integrated existence intact is not the most important value that we aim to uphold.

My argument consists of three complementary parts. First of all, it is not certain that one's collateral commitments or horizon is actually integrated in harmony. The argument of integrity is fundamentally established upon a too demanding coherentist assumption of human nature and reason for practical actions. It supposes that we are consistently integrated human beings, thus, for one thing, there will not be inner conflicts within our identities, and for another, our actions will be consistent with our identities. For instance, if I hate liars, I will never tell a lie. Or if I am a pacifist, I will oppose any war. This epistemological assumption of human nature seems fair and sensible. When we meet someone new, some knowledge of her past stories and her background seem to be a short cut to assist us to know this new person and predict her future reactions to some matters. In a football match, it is also how a goalkeeper prepares for penalties: by attacking the player's usual scoring angle. However, in real life, we often find ourselves trapped in inner conflicts with regard to our own self-definition. For example, a black Christian heterosexual male and a white Jewish homosexual female may find themselves cornered in rather confusing and unintegrated horizons. Secondly, we also may do things that are inconsistent with our identities, and we do not always act consistently with our history. Romeo falls in love with Juliette, the girl of his family feud who he is supposed to hate. Likewise, a member of a primitive Inuit group may refuse to eat seafood. A girl from a traditional family values community may refuse to even get married and have a family at all. A boy raised Muslim could decide to become an atheist when he grows up. A determined Roman Catholic may end up supporting her friend's homosexual marriage. These imaginary scenarios where self-contractions take place are all perfectly probable, and they are not necessarily problems. These conflicts within oneself are crucial to a healthy personality. "Each person has or can have a variety, a multiplicity of different and perhaps disparate communal allegiances", which "requires *management*".[35]

Thirdly, even if we accept the integrity of individuals' collateral commitments,

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[35] Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative," *University of Michigan Journal of Law Reform* 25(1991):789.

recognizing and respecting a moral person's integrated individuality by no means implies that our life or decisions are thus confined or even determined by our collateral commitments or horizon. Respecting one's collateral commitments does not entail that one is deprived of the position of final authority over his own reasons or motives. P(6) suggests that one's horizon or a collateral commitment is superior to one's own reason or desires. More information regarding why the decision of one's collateral commitments is able to prevail over one's decision on his reason or motive needs to be filled in. The integrity argument may refute that there is no independence of one's own reason or desires deriving from one's collateral commitments or horizon. However, the integrity argument cannot be pushed to this extent that there is zero room for one to develop one's faculty of inferential reason or individual free will. Otherwise the integrity argument, which initially calls for recognizing particularity, will end up swallowing up all possibilities of individual decisions by reason.

3.2 Federer, Nadal, or No One in Particular?

As the opposite of outcome A, I argue that the consensus conception's exclusion of religious argument entailed by the requirement of shared public reason does not mean disrespecting or breaking down religious citizens' integrated existence. My objection to outcome A has three layers of arguments. Firstly, the consensus conception does not criticize or reject religious citizens' religious convictions, and political liberals do not ask religious citizens to forsake their religious convictions. Not evoking religious reasons in the political forum is compatible with them occupying the fundamental place of religious citizens' comprehensive doctrines. As shown previously, because something is of fundamental significance to me does not mean that all my behaviors and thoughts are driven by it. Secondly, as for the relationship between religious citizens' religious convictions and their political claims, citizens have the freedom of conscience to decide individually how they think the values of the political domain are related to other values in their comprehensive doctrines. Thirdly, in contrast with the accused hostility towards religion,[36] the consensus approach's exclusion of religious reasons is not the *aim* of using shared public reason. Rather, the usage of shared public reason is the only *condition* for each party to conduct a valid discussion in the political forum. To illustrate these above

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[36] In contrast with what Rawls has emphasized on several occasions, that public reason is not against religion, critics still believe that public reason has shown hostility towards religion. Or as what Jeffery Stout points out, no one would say that the argument of public reason shows support to religion. See Patrick Neal, "Is Political Liberalism Hostile to Religion," in Shaun P. Yong ed., *Reflections on Rawls: An Assessment of His Legacy.* (New York: Ashgate Publishing, 2009) & Jeffery Stout, *Democracy and Tradition*, 36.

points, a hypothetic example may be of some help.

Hypothetically, at a tennis world congress, in front of all the world's tennis fans, Allan, Brian, and Carrie are conducting a public debate about what is the true nature of tennis, and the outcome of their debate will have a coercive effect on how everyone plays tennis.

> Allan: Roger Federer is the God of tennis. He is the one who defines tennis. Viewing Roger Federer as my religion in tennis and being his follower is my indispensable tennis identity.
>
> Brian: I disagree. I believe Rafael Nadal is the God of tennis. He is the one who defines tennis. Viewing Rafael Nadal as my religion in tennis and being his follower is my indispensable tennis identity.
>
> Carrie: I disagree with both of you. I know how great Federer and Nadal are, but I do not believe any single player should dictate how everyone understands tennis. There is no way we would reach agreement of what tennis is and how to play it if you two hold up to your "indispensable tennis identities".

In this quite a realistic debate; both Allan and Brian insist on making their claims on the basis of their 'indispensable tennis identities' with their fundamental tennis convictions. However, Carrie believes that the public discussion about tennis should exclude anyone referring to their tennis God. By abstaining from referring to Federer and Nadal, Allan and Brian are not asked to discard or question their beliefs of the greatness of those two great players. Nor is Carrie questioning the fundamental position of Federer and Nadal in Allan and Brian's understandings of tennis. It is true indeed that Allan and Brian believe that the sport of tennis is defined by Federer and Nadal, yet it by no means indicates that they cannot discuss tennis without referring to these two great players. It is clearly absurd to conclude that Allan and Brian have lost their tennis identities or that they are less Federer and Nadal fans. The importance of Federer and Nadal to the sport of tennis is within Allan and Brian's freedom of conscience, and everyone is entitled to have their own idea of who their tennis God is. But when the question becomes a public topic and will have coercive influence on the world's tennis fans, if the current mode of conversation continues, a public discussion would be as Carrie predicted: impossible. No matter how eloquent these three participants are and how compelling the arguments are that they each provide for their claims, they lack a basis to conduct their discussion of the question, namely what tennis is. There is no way for other parties to participate in this discussion if Allan and Brian grip tightly to their insistence on Federer and Nadal as

the final reference in this public discussion.

Likewise, conducting public discussions in secular terms does not require any abnegation of one's theism. Even if it is fundamentally believed by one that everything is created by God, it is a different matter that one cannot engage in secular debates without God talk. To confound those two different matters would dramatically compress the room of moral principles and evaluative standards' development, which is contrary to the reality of this secular world. One is not surrendering his integrity when he withholds appealing to his religious convictions; rather, he realizes it as a necessary condition to conduct a valid public discussion. Additionally, what is noteworthy in this artificial example is that no tennis fan will have any difficulty in accessing or comprehending Allan and Brian's points of Federer and Nadal, which is not the common case for religious arguments. In actual liberal democracies, religious arguments tend to be unintelligible and inaccessible to many unreligious citizens or religious citizens from other faiths, even after careful examination. We live in a situation where the religious part of society is also a tower of Babel: no one understands the arguments of the other. A good argument for a Mormon is only applicable for him, while it could be totally unconvincing to Jews or Muslims. So purely on the basis of religious pluralism, even in a world where there are only religious believers, they would be obliged to speak the language that is universally understandable to each other too. Even the conventional Christian arguments would not be convincing to all Christians.[37] As a matter of fact, many religious believers tend to use public reason, even only for pragmatic concerns, in the court to make their case more compelling. In that sense, this hypothetical tennis example has already downgraded the difficulty of putting religious arguments into public discussions since the only problem in this example is the unshareability. Nonetheless, it may be objected that the hypothetical example of tennis is inappropriate as tennis cannot be compared to politics. Yet the analogy here is not between tennis and politics; rather is between Federer or Nadal's fundamental influence on a tennis fan and a religion's impact on its devout believers, which is what integrated existence signifies.

3.3 "Full Participation" and "Unrestricted Participation"

The next issue I am taking on is a claim similar to outcome B, which argues that not being able to refer to Federer and Nadal in the discussion prevents Allan and Brian from fully participating in the tennis congress. As far as I see, the convergence approach's criticism on this point has confused two distinct concepts: "full participation" and

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[37] I thank Paul Cliteur for making this point.

"unrestricted participation".[38] One can participate fully in political debate irrespective of whether or not one unrestrictedly "runs out all my arguments or express all my sentiments", so long as one has revealed all one's reasons that can be discussed and evaluated by one's fellow citizens.[39] By contrast, unrestricted participation is not necessary full participation. An unrestricted way to take part in democratic debates could result in bringing in too personal judgments that cloud what can really be reflected upon.

In a democratic regime, as I have argued in chapter three, citizens do not merely share a public life together; they also share a "participant's perspective" on political matters. Citizens not only share a public life together, they are also generally positive participants in a democratic regime who help shape our public life together. That is to say, as full participants, citizens are those whose fundamental interests are affected by, and also who *really* take part in political decision making. A "participant's perspective" impels citizens to employ justificatory public reasons that can be shared among all citizens in the public arena. When a citizen takes a participant's point of view towards a political matter, his reason in the public discussion does not merely make sense to himself alone; it has to be accessible, understood, and shared by a general citizen body as well. Therefore, citizens are all able to equally examine a political conception's legitimacy on the same basis of matters that they all care about. On the other hand, unrestricted participation signifies that those citizens who take part in the democracy reason without any restrictions and do not accept public reasons as the reasons they should take to guide their public life. For those citizens who view democratic participation as uncircumscribed, they do not share reasons underlying a state's plans and decisions. Instead, they still reason as scattered individuals who are not necessarily part of a liberal democracy.

Perhaps we can show the difference between full participation and unrestricted participation more clearly by revisiting our hypothetical story of the election between Bob, Derek, and Claire.[40] Recall that Bob votes for the candidate Claire because and only because they are both Anglicans. Although Derek votes for Claire too, this is because he believes that she is a candidate with solid political merit and virtues. The problem is that Bob has no other reason that he can share with a general citizen body to convince others to accept his decision in voting for Claire. Psychologically, Derek may even be less

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[38] This distinction is brought out by Robert Audi in *Religious Commitment and Secular Reason,* (Cambridge: Cambridge University Press, 2000)108. For Audi, full participation does not depend on whether all one's arguments or sentiments have been expressed in democratic processes.

[39] Ibid.

[40] Although "ordinary citizens of most liberal democracies are not given the opportunity to cast votes on laws and policies," they participate in political decisions mainly by voting on candidates who seek public offices. See Paul Weithman, *Religion and the Obligations of Citizenship*, 117. I discussed this story in much detail in the third chapter.

passionate as Bob in taking part in this election. Nevertheless, Derek has fully participated here while Bob has participated too, but in an unrestricted fashion, inasmuch as only (compared to Bob) Derek's reasons would be understood, accepted, and even sympathized with by a general citizen body. Furthermore, if there is hard evidence that Claire is not who she claims to be, and she was severely corrupted in her previous occupation, and if Derek is made aware of that new finding, which has been proved to be true, he is expected to change his vote or at least have second thoughts about it. By contrast, Bob's unrestricted and unshakeable support for Claire would not be interfered with by this new finding since his support is based on her religion, which stays the same in this case. Suppose again, if Claire declares that she is not religious anymore, which change will not influence Derek but could possibly lose Bob's vote. Plus, following the convergence approach's picture of unrestricted participation, with all arguments included in the public discourse, if Bob's religious denomination unfortunately becomes the minority, in canvassing his religious argument, Bob would possibly confront challenges by members of other religious groups, for instance Presbyterians or non-Christians, who would want to coerce him towards favoring their religions.

IV. Public Reason Encroaching on Religious Liberty?

The previous hypothetical tennis example may engender a subsequent question with respect to outcome C: does not referring to Federer and Nadal in the discussion prevent Allan and Brian from exercising their tennis religious freedom or their freedom in expressing their most fundamental convictions? Likewise, in the previous supposed example of the election, the consensus approach would say that Bob has a moral duty to refrain from voting for Claire only because she is also an Anglican; is that an infringement of Bob's religious freedom?

I believe that there is both conceptual confusion and a normative problem in this so-called outcome C. For one thing, this outcome has conflated legal right and moral evaluation, namely "the (legal) right to do something" and "doing the (morally) right thing". While the requirement of shareable public reason asks for the realization of the latter "right", it has not infringed upon citizens' legal right to their religious liberty. Moreover, a reflection of the normative logic of religious liberty brings this idea to the surface: the benchmark of defining the violation of religious liberty does not depend on the burdens that have been imposed on religious citizens, but relies upon the question whether it deprives individuals of a fair opportunity, with regard to background conditions, to pursue and fulfill their religious commitments.

4.1. "The Right to Do Something" and "Doing the Right Thing"

First of all, there is basic confusion in these two questions. The claim of outcome C mistakenly equates "the right to do something" with "doing the right thing". Allan and Brian have every right to invoke Federer and Nadal as the final authoritative reference in their tennis congress; however, it by no means signifies that they are doing the right thing. It is also certainly Bob's right to vote for any candidate as an exercise or demonstration of his religious liberty, which also does not mean that Bob is making the right decision. The "right" in the first sense is a legal right, which by itself involves a permission to do things morally wrong or neutral. By contrast, "doing the right thing" is a moral judgment, which is independent of the "right" in the legal sense. Religious liberty is citizens' fundamental constitutional right. However, "countenancing this right does not imply that every exercise of it is beyond moral criticism… rights are not a moral license to do everything they forbid others to prevent."[41]

Let me strengthen this argument by addressing two further concerns. First of all, admittedly, a legal right to do something does not mean that doing anything under that category is morally praiseworthy. However, there must be something intrinsically good, valuable, or worthy of protection about that category, otherwise there would not be any law to guarantee its legal status to begin with. Therefore, it is not entirely correct to say that "the right to do something" and "doing the right thing" are independent of each other. In terms of the source, the former "right" must have fundamentally derived from the latter "right". For example, most constitutional laws stipulate freedom of speech as a fundamental constitutional right, and the legal right to speak freely is recognition and protection for the value of speech in general. I think it is a justified belief. Nevertheless, it does not mean that every type of speech is morally praiseworthy. By the same token, although freedom of religion is seen as recognition and protection for religion in general,[42] it by no means implies that invoking religious liberty under all circumstances is

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[41] Robert Audi, *Religious Commitment and Secular Reason*, 93.

[42] It's also a contentious issue whether religious freedom as a fundamental constitutional right is a protection for religion *per se* or for other reasons. Some theorists believe it is because religion itself is good in its nature. For instance, John H. Garvey, "An Anti-Liberal Argument for Religious Freedom," *Journal of Contemporary Legal Issues* 7(1996): 275-291; Michael J. Perry, "Religion, Politics, and the Constitution," *Journal of Contemporary Legal Issues* 7(1996): 407-446; John Finnis, "Does Free Exercise of Religion Deserve Constitutional Mention?" *The American Journal of Jurisprudence* 54(2009): 41-66. By contrast, some theorists argue that we only save this constitutional right out of prudential concerns. Such as, Brian Leiter, *Why Tolerate Religion* (Princeton University Press, 2012). Even more, some perceive the constitutional foundation position of religious freedom in connection with constitutional practice. For example, Andrew Koppelman, "Is It Fair to Give Religion Special Treatment?" *University of Illinois Law Review* 3(2006): 571-603. The question of whether religious liberty is a protection of the

morally commendable. Therefore, the moral duty of not invoking religious doctrines in public reason imposed by the consensus approach is incapable of outweighing citizens' religious liberty. However, if religious doctrines are invoked in public reason as an exercise of religious liberty, religious citizens are unable to explain the basis of their actions to other citizens in terms that each could reasonably be expected to endorse. That is to say, they are being unfair to other citizens. In the artificial election story, as Bob is unable to justify his decision to other citizens, he is being unfair to any citizen who is not an Anglican. Moreover, although citizens have a right to make wrong decisions, they do have to live with the consequences, for instance, a degenerated democracy. As Audi says, "If citizens in a democracy do no more in shaping their society by their political participation and in contributing to public service than they must do by law, their society will at best languish".[43] Back to the tennis example. Should Allan and Brian insist on their claim on their tennis god, they also would have to face the consequence of a deadlock of their tennis congress. As for the society in which Bob lives: if every religious citizen voted for who they felt was most pious to their religions, this election might end up with an elected official who is unable to be responsible for all citizens in the society.

Secondly, even though it is legally permissible to do morally wrong things as long as it is still legal, to what degree can we permit or tolerate such morally wrong behavior? Or, to put it differently, when does a morally wrong but legally right behavior become illegal? Let us take the example of free speech again. The right of free speech does not mean that any individual can say anything they like. For instance, the limits of morally repugnant free speech have been set by the punishment for "hate speech" in many states' criminal laws. And also, the crime of blasphemy, no matter how morally contentious it is, still remains valid in many criminal laws. These two examples of the limits of free speech clearly show that having a right to do certain things is not a green light to do all these things. Back to the constitutional right of religious liberty. In the American Constitution, the limitation to this first Amendment right's exercise has been placed in the same article: non-establishment. The state's permission of citizens' religious liberty claims cannot amount to any certain sort of establishment. Back to the artificial election story. Bob's decision in backing up another Anglican certainly does not constitute an establishment of an Anglican Church. Nevertheless, it might lead to this consequence if all religious believes from the same faith voted as Bob did.

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nature of religion is too complicated and irrelevant for me to answer here. For the sake of argument, I accept the most generous assumption to religion, that religious freedom is a recognition and protection for the concept of religion itself.

[43] Robert Audi, *Religious Commitment and Secular Reason*, 86.

4.2 Burdens and Fairness

The other mistake of the outcome C stems from a normative problem. Outcome C presumes a common logic that restricting religious citizens' ability to refer to their religious beliefs in democratic engagement prevents them from practicing their religions, which is a serious setback to a person's legitimate interests. And the state should not impose such burdens in the absence of a compelling reason. "A law conflicting with religious conduct should be withdrawn or amended or an exemption should be carved out."[44] In a recent article, Alan Patten points out that the mistake of this common logic pertains to its failure to recognize the relationship between burden, responsibility, and the justification of state action.[45] The common logic assumes that a burden or restraint on religious citizens itself implies a presumption of exemption or religious accommodation. However, this presumption would be "valid only if the burden on the religious believer is not appropriately regarded as the believer's own responsibility".[46] The severity of religious constraint does not signify that preventing such constraint or removing it is everyone's responsibility, since if a person's religious commitments are her own responsibility, the costs should not be borne by others.[47] Likewise, the fact that a person is seriously or seemingly unequally burdened by a law does not by itself "establish unfairness because the burden might be one for which she is legitimately considered responsible."[48] Subsequently, the key question shifts from the presumption against religious constraints to locating where the responsibility belongs, which is where the principle of fairness comes into play.

According to the fairness principle that Rawls developed, it is a "public responsibility" to ensure that primary institutions provide "fair background conditions for citizens to pursue their ends."[49] If the fair background conditions are not established yet, individuals have a claim to fairness treatment, but if individuals still feel restrained given that those background conditions are fulfilled, then they are "expected to bear this burden themselves."[50] Thus, a claim of religious liberty deprivation calls for more than the demonstration of religious constraints; "it must also be shown that the burden or

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[44] Alan Patten, "The Normative Logic of Religious Liberty," *The Journal of Political Philosophy* 25 (2017): 130. Such a consideration is also behind the legislation of RFRA (Religious Freedom Restoration Act) in the United States.

[45] Ibid., 139.

[46] Ibid.

[47] Ibid., 139-140.

[48] Ibid., 142. I thank Paul Cliteur for bringing up this point to me first.

[49] Ibid., 141.

[50] Ibid.

restriction on religious conduct undermines the fair background conditions against which individuals are entitled to pursue their ends."[51] If we put the claim of religious liberty into this light, individuals would be given "especially weighty interests in being able to pursue and fulfill their religious convictions," as long as these interests do not conflict with the fair background conditions on the basis of which all others can pursue and fulfill their claims.[52] The point of the fairness principle is to encourage us "to avert our attention from the balance between constraints and public interest" to "the concern about fairness".[53] I believe that this is precisely why the consensus approach's argument of public reason does not hinder individuals from exercising their religious liberty. The essence underlined as shareable public reason's moral duty is not to add burdens on religious believers. Instead, the crux is to present a fair democratic setting that is understandable and shareable to all citizens to lay down their claims and pursue their ends. Asking citizens to refrain from invoking religious arguments would make religious citizens present their case perhaps in a less comfortable or familiar language in the public deliberation, but it is not unfair in the sense that it is the language that is shareable and conversable for all citizens.

To conclude the two sections above, I believe that the integrity critique which criticizes the consensus conception of imposing unnecessary restraints on religious citizens is untenable on close examination. The integrity argument's objection has indeed been built upon a valid assumption, consisting of p(1) to (5), that we need to respect each person's integrated existence. However, it leads to three unwarranted outcomes: A, the consensus conception has impaired a religious citizen's integrated existence; B, it also seriously constrained religious citizens' participation in democratic political life; and C, it especially invades religious citizens' religious freedom. Firstly, p(6)'s claim that the pursuit of identity is a predominant ideal in every individual is not necessarily true, nor is our existence or identity always integrated. Secondly, regarding outcome A, the requirement of shared public reason only asks citizens to refer to the language and the terms that every reasonable citizen is expected to understand and share whilst attaching no judgment of their religious convictions, and it therefore leaves their integrated existence intact. It is just that the religious convictions are unshareable. Contra outcome B and C, the distinction between "the right to do something" and "doing the right thing" helps me to emphasize that the consensus approach's shared public reason requirement does not interfere with citizens' legal rights. Last but not least, the real question of citizens' religious liberty deprivation lies in whether it departs from the principle of fairness,

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[51] Ibid., 143.

[52] See ibid., 143-148.

[53] Ibid., 153.

which is one of the grounding values of the consensus approach. I hope it is clear now that citizens' integrated existence and their freedom either in engaging in political life or in being free from intervention will not be in any way shaken by the consensus conception of public justification.

The above twelve propositions of the integrity argument are all meant to point to the alternative plan of the consensus approach: the convergence approach. The convergence approach claims that its account better respects the value of integrity and as a result better secures citizens' freedom in a political society. Although this section has debunked that the consensus approach is exempted from the critiques the integrity argument raised, the next section goes one step further to argue that the convergence approach, as a matter of fact, fails to warrant the value of integrity and citizens' freedom as it has claimed.

V. Debunking the Claim of Integrity

The all-inclusive convergence approach is, in Gaus's opinion, deeply rooted in a rejection of the Hobbesian-Lockean contractarian idea that "the only resolution of the clash of private judgments about morality" is "the voice of public reason", thus we need to "bracket our private judgment and defer to the reason of public authority."[54] Gaus and other convergence approach advocates believe that this Hobbesian-Lockean resolution inherently "politicize[s] the resolutions of all moral disputes," and more worrisomely; it is a dangerous bargain that it alienates our freedom and gives total control over our lives to others.[55] In contrast with the consensus approach, which makes such a bargain, the convergence approach claims its superiority in being able to safeguard individual integrity, that is to say, to ensure that citizens are able to act in ways that are in accordance with their deepest moral and religious convictions (the Claim of Integrity). It is a justified concern to protect each citizen's integrated existence. However, I believe that the claim of integrity cannot be maintained. Although the convergence approach's argument departs from the significance of recognizing individual integrity, the importance of upholding one's integrity does not necessarily lead to the claim that we have to avow each individual's ultimate values in the political society.

As Jeffery Stout's argument of integrity manifests, Hegel is the one who most prominently brought the significance of recognition of integrity, or in his term, self-consciousness of self-sufficiency to the forefront of political theory. Stout

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[54] Gerald Gaus, *The Order of Public Reason: a theory of freedom and morality in a diverse and bounded world*, (New York: Cambridge University Press, 2011) 24-25.

[55] See ibid., 24, 48.

understands that recognition of integrity or identity is indispensable for an individual's liberty of free expression, which also corresponds to Hegel's characterization of self-sufficiency and freedom. For Hegel, a free agent must be self-sufficient.[56] However, freedom for Hegel is a tremendously rich and also organic concept, which involves not only interpersonal relations but also the relationship between agents and the state. The actualization of integrity and freedom that are threatened here by the consensus approach is related to how an agent's identity or freedom can be recognized by the state. However, for Hegel's dialectic theory, one's freedom's realization is not only affected by the state, but also affects the state, and it is precisely through this mutual reaction between individual agents and the state that one's freedom and identity are fully realized.

I follow Rawls's analysis of Hegel's concept of freedom (along with its realization), which is addressed on three levels. First, freedom is actualized in a system of political and social institutions in the sense that one's interests are recognized and respected by such institutions.[57] Secondly, an agent wills the ends of the political institution in a state to be his own ends, which is a better way to obtain his freedom.[58] Thirdly, "through exposure to the political institutions of 'public opinion'," freedom on the level can be educated and orientated.[59] For starters, Hegel also denies the contrarian view that sees the state as a limitation to freedom, which he believes "neglects the important role that social institutions [play]… in constituting free and rational individuals," as freedom by its nature is actually realized in the state.[60] A state's primary function, according to Hegel, "is not to promote the welfare of citizens but to secure and maintain their freedom."[61] Alan Patten elaborates this point as follows, "the state is the sphere in which individuals directly, explicitly, and intentionally work for the good of others, or for the whole community, and seek to preserve and promote a community of mutual recognition in which all can

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[56] "For Hegel, a complete conception of what a subject's freedom…comes into view only at the moment that the real possibility of self-conscious freedom is established. It is only when we see *that* and *how* free subjectivity is possible that we know precisely what it is for a subject to be free. We can see how an argument of this sort works if we think of the *Phenomenology* as starting out with only the barest idea of what it is to be free, with what Hegel sometimes calls a 'formal definition' of freedom. In both 'Consciousness' and 'Self-Consciousness' this bare concept of freedom is denoted by the term *Selbstandigkeit,* which literally means 'self-standingness', though it is often translated as 'self-sufficiency' or 'independence'."

Frederick Neuhauser, "Desire, Recognition, and Lord and Bondsman," in *The Blackwell Guide to Hegel's Phenomenology of Spirit* (Kenneth R. Westphal ed., Blackwell Publishing Ltd., 2009) 39.

[57] John Rawls, *Lectures on the History of Moral Philosophy* (Babara Herman ed., Harvard University Press, 2000) 352.

[58] Ibid., 349.

[59] Ibid., 357-358. And Alan Patten, *Hegel's Idea of Freedom* (Oxford University Press, 2002) 190.

[60] See Alan Patten, *Hegel's Idea of Freedom,* 165.

[61] Ibid., 177.

develop and sustain their free and rational faculties."[62] Moreover, for Hegel, citizens do not conceive states instrumentally as a protection or a representative; they regard political institutions as "a constitutive component of their identity and good".[63] In order to understand freedom sufficiently, we need to combine moral agents' freedom's actualization as both private individuals and citizens. Every moral agent has his or her own "particular interest", which refers to "the satisfaction of some empirically given need, desire, inclination and so on", and they only concern the agents' "actions, motives and dispositions".[64] A state enables individuals to fulfill their particular interests as long as these interests are developed and "protected by the rule of law".[65] That is to say, the right of their particular interests is recognized in the state since the state respects and protects individuals' choices.[66]

However, private individuals do not only live as individuals, they are also citizens in a state and accordingly have "universal interests". A universal good is good for him or her independently of what s/he desires, but aims at the good for all free and rational agents that make up the community as a whole.[67] This is where freedom on the second level comes in. With respect to the possible conflicts between an individual's particular interests and universal interests, Hegel argues that they should pass over their own interest in the universal, and "knowingly and willingly acknowledge this universal interest even as their own substantial spirit, and actively pursue it as their ultimate end."[68] This is a claim of the priority of universal interests compared to particular interests. Besides, it is also a confirmation of the highest priority of being a citizen for a moral agent. They do not live simply as private individuals; rather, they are "concerned with the universal end" or interests and their will as citizens are directed to and "acting in the full conscious awareness of this end."[69] Private individuals do not work for something alien to their own purposes and identity, but they work to realize the good of the whole community, during which they give rise to an important, probably the central aspect of their identity: citizenship.[70] The third level of freedom is thus approached in Hegel's discussion of the

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[62] Ibid., 175.

[63] Ibid., 177.

[64] Ibid., 172-173.

[65] John Rawls, *Lectures on the History of Moral Philosophy,* 355.

[66] Alan Patten, *Hegel's Idea of Freedom*, 192.

[67] John Rawls, *Lectures on the History of Moral Philosophy,* 357.

[68] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right* (H. B. Nisbet trans., Allen W. Wood ed., Cambridge University Press, 1991) 282 (§260).

[69] John Rawls, *Lectures on the History of Moral Philosophy,* 356.

[70] See Alan Patten, *Hegel's Idea of Freedom*, 194-199. Alan Patten also argues that Hegel thinks citizens are objectively free when they are acting as citizens, which is nevertheless also criticized by lots Hegelian scholars. He believes that being a good citizen according to Hegel is central to one's identity.

roles of public opinion. Public opinion assembles citizens' views, including their discontents with government affairs, and it thus provides the state with a better understanding of people's thoughts and needs.[71] In this process, the public also becomes familiar with the political institutions and acquires "a knowledge of what the state's decisions and polices are based on."[72] The educative aspect of public opinion is precisely manifested in the sense that the publicity provides an important opportunity for citizens to develop their political abilities, and also remedies for the "self-conceit of individuals and of the mass".[73] Through public opinion, ordinary citizens are educated to "acquire and continuously reinforce an orientation" to the "universal interests and concerns".[74]

Starting from the significance of integrity's realization, the convergence approach is correct in emphasizing the significance of conceiving of a full knowledge of self-identity as a mutual recognition process between individuals. Indeed, individuals attract the recognition of their fellowmen to reinforce their own self-consciousness as free and rational agents. They are also correct in identifying an individual's deepest convictions, values, and motivations with their background and their participation in their affiliated institutions, such as family and civil society as a dialectic and mutual process. Only by viewing individuals as social members "can they be expected to have the convictions, values, motivations, and dispositions that stabilize an institutional structure in which they can develop and maintain" their integrated existence.[75]

Nevertheless, the convergence approach's defense of identity and freedom absorbs from the Hegelian argument in a very incomplete way. The convergence approach's claim of integrity is based on a rather barren concept of freedom in an isolated manner, which

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The reason behind that is connected with how one gets one's self-consciousness. Hegel believes one can only fully understand oneself through interaction with and recognition from another. Thus, a moral agent "can develop the capacities and attitudes that make up free and rational agency only in the context of a community of mutual recognition." This mutual recognition relationship is also built into the relationship between citizens and the state. An institutional structure preserving and promoting their freedom can only be maintained "unless individuals adopt the ends and dispositions of the good citizen." To put it roughly and simply, a political institution's operation and maintenance is indispensable to a citizen's recognition, while a citizen's fundamental freedom is also built upon their support for those political institutions. A life of citizenship is therefore reflectively endorsable in a way sensitive to some given desires or goals of private ends, but is about establishing and maintaining one's own freedom itself. It is the acting as a good citizen that helps one to fully become oneself, and one can endorse it from the perspective of an end that one is inevitably committed to. For Hegel, individuals are thus objectively free as citizens, and they "support an institutional structure which in turn develops and secures their own capacities for freedom and rationality."

[71] John Rawls, *Lectures on the History of Moral Philosophy,* 357-358.

[72] Ibid., 358.

[73] See Hegel, *Elements of the Philosophy of Right,* 352 (§315).

[74] Alan Patten, *Hegel's Idea of Freedom*, 190.

[75] Ibid., 186.

merely advocates its actualization on the first level, namely, the freedom of having individuals' particular interests recognized and respected by the state. [76] In comprehending the essence of integrity, the convergence approach has yet to attend the possibility of realizing it in a much deeper sense. For instance, the state is an indispensable constitutive part of this narrative story of dialectic recognition, and also, individuals are not only members of certain groups or tribes, but, more importantly, they are citizens. The operation and self-sufficiency of a political institution do not stand by themselves; rather, just as how an individual becomes self-conscious through others' recognition, a political institution's self-sufficiency also relies upon the general acceptance and compliance of the institution's rules, which are established by citizens. In other words, if such an institution fails to imbue people with the disposition to accept its rules, it will possibly lack self-sufficiency. Therefore, the state is also a constitutive part of the self-sufficient institutions that can foster and reinforce citizens' capacities of freedom and rationality. However, the convergence approach, in advancing its integrity claim, misses the dialectic relationship between individuals' claims of freedom and the state, and it therefore fails to recognize the possibility that each individual's identity and their private interests can be actualized in harmony with the universal good. Since the convergence approach falls short of seeing the importance of engaging in politics for individuals, it certainly lacks a positive affirmation of democratic citizenship, and inevitably lacks a full understanding of freedom in a mutual relationship between citizens and the state.

VI. Public Reason as a Preemptive Procedural Constraint

Another prevalent critique closely related to the integrity critique is the fairness critique, which claims that the requirement of public reason, namely the moral duty of abstaining from invoking comprehensive including religious reasons in the public forum, is unfair to those citizens who can only introduce their comprehensive doctrines to support their decisions. Nevertheless, the deeper source of this critique and the integrity critique are both embedded in an inadequacy of recognizing the justification of public reason. They mistakenly believe that public reason cannot be overridingly justified in public deliberation, since nonpublic reason may possibly outweigh public reason or even works as second-order reason excluding the consideration of public reason. [77] However, I will

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[76] Kevin Vallier has even made a quite astonishing claim that citizens do not need to care about politics at all. "Instead, one can be a good citizen without engaging in political life. Perhaps one can be a good citizen without voting." See Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation*, 230.

[77] See Jeremy Waldron, "Public Reason and 'Justification' in Courtroom," *Journal of Law, Philosophy and*

argue that it is the public reason established upon our commitment to justice underlined by the value of fairness that gives a second-order or quasi-exclusionary reason to preemptively exclude the involvement of reasons that cannot be shared by our fellow citizens in public deliberation.

To unfold this critique and my rebuttal, let us look at a justification from the perspective of practical action for a while. Waldron adopts Joseph Raz's analysis of reason to criticize public reason's requirement in public deliberation. I will briefly illustrate Waldron's critiques as follows. It is true indeed that justification involves not just the ascertaining of reasons, but also the weighing of their strength.[78] Waldron argues that the process of justification requires a comprehensive search "for all the reasons that might pertain to D [a political decision] one way or the other."[79] A public reason may seem to weigh very heavily in favor of a certain decision, but it does not mean that it is the overriding reason, since such a public reason might be overpowered by an even stronger nonpublic reason. Waldron thinks that we will not feel content in finding strong reasons in favor of a decision that is supported by public reason, since "everything depends on how the strength of public reasons lines up in relation to the strength of nonpublic reasons opposing the decision."[80] If a nonpublic reason is excluded from being considered in our deliberations by the constraint of public reason, then although a public reason might seem to be of utmost importance in supporting the political decision, we cannot say that this public reason justifies the decision, as not all reasons which should have been considered are actually considered.[81] Consequently, if the nonpublic reason which would outweigh the public reason is excluded, then perhaps "the conclusion ought to be that we may not infer anything about the justification of D [the political decision] on the basis of the public reason."[82]

Moreover, Waldron further argues that a nonpublic reason may be not only a reason against a political decision in terms of its outweighing strength compared to an opposing public reason, but this nonpublic reason could also work as an exclusionary reason excluding the consideration of the public reason.[83] According to Raz, by an exclusionary reason, in contrast with first-order reasons, which constitute a person's reasons for his actions, it is "a second-order reason to refrain from acting for some reason."[84] First-order

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Culture 1(2007):120.

[78] Ibid., 116.

[79] Ibid., 117.

[80] Ibid.

[81] Ibid.

[82] Ibid.

[83] Ibid., 120.

[84] Joseph Raz, *Practical Reason and Norms* (Oxford University Press, 1975) 39.

reasons and second-order reasons are not weighed by strength, like the weighing between first-order reasons in conflict. If reason p is a reason for someone to do something, and reason q is "an exclusionary reason for her not to act on p", then reason p and q "are not strictly conflicting reasons."; Reason q is not a reason for someone to not do something; rather, it is "a reason for not doing something for the reason p".[85] Their "conflicts are resolved not by the strength of the competing reasons but by a general principle of practical reasoning which determines that exclusionary reasons always prevail, when in conflict with first-order reasons."[86] For instance, in the controversy over same-sex marriage and abortion, religious reasons for a lot of people are exclusionary reasons in their decisions. For many religious citizens, the moral order of the divine command is the exclusionary reason for them to exclude taking public reason into account. In other words, the religious reasons derived from their holy scriptures are not just compelling reasons against public reason, but could be the reasons negating any practical weight of public reason. In the case of abortion, the fact that a fetus is also a human being, according to many citizens' religion, could be such an exclusionary reason that ends the discussion of the permissiveness of abortion.

The point that Waldron is trying to drive home is that no matter what the role nonpublic reasons may play in the public deliberation, be it outweighing first-order or exclusionary second order reasons, the justification process must stay open to all relevant reasons, including public reasons and nonpublic reasons.[87] Otherwise, "the reasoning process that justificatory discourse involves is in danger of becoming not just truncated but distorted."[88] We will not be able "to determine the true weight or bearing of the reasons" and reach a truly solid justification of a political decision "unless we take into account the weight and bearing of all the reasons" on the table.[89] Therefore Waldron concludes that the failure of staying open and taking all reasons into consideration is a moral defect of the idea of public reason.

Waldron is right in bringing out the point of exclusionary reason here. Nonetheless, contrary to Waldron's vision, I believe that the theoretical device of exclusionary reason would help to strengthen the account of public reason instead. The idea of public reasons actually works as a preemptive constraint against introducing unshareable reasons

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[85] See ibid., 40. The original text is: "If p is a reason for x to ,f, and q is an exclusionary reason for him not to act on p then p and q are not strictly conflicting reasons. q is not a reason for not ,f,-ing. It is a reason for not,f,-ing for the reason that p." For the sake of simplicity, I have taken the liberty of simplifying the symbols.

[86] Ibid.

[87] See Jeremy Waldron, "Public Reason and 'Justification' in Courtroom", 121.

[88] Ibid.

[89] Ibid.

into the public deliberation ex ante. According to Raz, there are two sorts of exclusionary reasons: one is "incapacity-based" exclusionary reasons, which are the type of reasons that preclude first-order reasons due to the agent's "temporary incapacity to form a balanced judgment"; the other is "authority-based reasons" that derive from a claim of authority and that amount to exclusionary reasons.[90] That is to say, according to Raz's analysis of reasons, apart from the scenario where citizens are temporarily unable to make sound judgments, what counts as exclusionary reasons derives from a legitimate claim of authority.[91]

Such an analysis appears to fit Waldron's accounts just right since divine commands are indeed a powerful source of moral authority for religious citizens. However, even considering this issue from within Raz's theoretical scope, it is hard to say that such a moral authority is legitimate in the first place. In other words, it is difficult to claim that divine commands are able to provide better action guidance for the agent, since the epistemic capacity of a better informed and balanced rationality is what is required for an authority that fits with the normal justification thesis. However, the tense and twisted relationship between rationality and faith is always a hotly debated issue, while the center piece of divine commands lies in the commands, which actually reflects the preemptive thesis of authority. For instance, the famous biblical story of Abraham and Isaac perfectly illustrates the preemptive nature of God's authority, whereas it is far from

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[90] See Joseph Raz, *Practical Reason and Norms*, 47-48.

[91] Raz's general conception of authority consists of three theses: "1) the dependence thesis, that all authoritative directives should be based, among other factors, on reasons which apply to the subjects of those directives and which bear on the circumstances covered by the directives. 2) the normal justification thesis, that the normal and primary way to establish that a person should be acknowledged to have authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding, and tries to follow them, than if he tries to follow the reasons which apply to him directly. 3) the preemptive thesis, that the fact that an authority requires performance of an action is a reason for its performance which is not to be added to all other relevant reasons when assessing what to do, but should replace some of them."

See Joseph Raz, *Ethics in the Public Domain: Essays of Morality in Law and Politics* (Oxford University Press, 1994) 214.

I do have some reservations about Raz's conception of the authority of the three theses above. To name a few, the content of the preemptive thesis is in parallel with the exclusionary reason, which amounts to an argumentative circle in which Raz employs the constituency of authority to justify what authority can implicate. Moreover, the normal justification thesis implies a perfectionist claim of authority which is yet to be justified, and this thesis is the centerpiece of Raz's thesis of authority. Additionally, the claim of authority in fact has counted first-order reason twice, as on the one hand it excludes us from taking our original first-order reasons into account, while at the same time it also works as a first-order reason that must be taken it into account. However, I do not aim to examine the merit of Raz's study of general conception of authority here; rather, my purpose is simply to demonstrate how a reason derived from authority provides exclusionary reasons for the agent.

claiming that, in that story, God offers a better guide for action for Abraham than the direction Abraham could have given to himself. After all, God requests Abraham's son, Isaac, as a sacrifice. More significantly, the above contention of whether God's commands fit the conception of a general authority is exactly what political liberals aim to set aside in the first place. The fact of reasonable disagreements of comprehensive doctrines precisely requires us to refrain from pursuing such matters.

I believe that, contrary to what Waldron presumes, public reason works as a quasi-exclusive procedural constraint in public reasoning. Waldron has not really grappled with the weight of public reason for citizens and the subsequent moral duty of following public reason.[92] Public reason does not work the same as nonpublic reason for citizens; instead, at least on the level of constitutional essentials or matters of basic justice, the requirement that all public officials act on the basis of and follow public reason, along with all reasonable citizens performing the civic duty of following public reason, constitutes political legitimacy.[93] That is to say, this requirement of civic duty from ordinary citizens is part of what the idea of political legitimacy entails. Moreover, instead of begging the question of the position of nonpublic reasons in public reasoning, public reason actually *ex ante* precludes the involvement of nonpublic reason that pertains to individuals' own idea of truth rather than reasons that might be shared by all citizens as free and equal people. Rawls indicates that the emphasis on nonpublic reason is incompatible with the idea of democratic citizenship and political legitimacy.[94]

The idea of political legitimacy is based on the values of liberty, equality, and fairness (Rawls sometimes identifies this as the criterion of reciprocity). As illustrated in Chapter Four, the value of fairness remains at heart of our commitment to justice. It is the ideal of fairness that precludes us from invoking reasons that are incommensurable to our fellow citizens. The civil duty of refraining from advancing comprehensive doctrines that cannot be explained by political values into the public deliberation is based on the value of fairness. This value, at a fundamental level, denotes that the exercise of political power is proper only when reasonable citizens "are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of political justice; and when they agree to act on those terms, they are

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[92] In an earlier discussion, Waldron argued that the requirement of public reason did apply to neither public officials nor ordinary citizens. See Jeremy Waldron, "Religious Contribution in Public Deliberation," *San Diego L. Rev.* 30 (1993): 817-848. For the sake of argument, I am not discussing the part where he objected to the public official following public reason but focusing on the part of citizens.

[93] See John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review,* 64 (1997): 770.

[94] Ibid., 771.

willing to do this even at the cost of their interests in particular situations, provided that other citizens also accept those terms."[95] The willingness here takes two forms: one is what reasonable citizens themselves are ready to contribute; the other is what they can reasonably expect from other reasonable citizens, which brings the problem of mutual assurance to the surface. To ensure that collective political decisions are arrived at through public reasoning, it is not enough to follow the guidelines of public reason from one's own standpoint; it is also necessary to be assured that everyone else will abide by the civic duty of public reason as well. In the language of game theory, that no one will defect. And this problem will be my focus in the next chapter.

VII. Concluding Remarks

This chapter focuses on the third critique of the shareable public reason requirement, which is also the first critique of the aspect of its desirability. The Integrity Critique argues that the shareability requirement of public reason has produced three undesirable outcomes for citizens, which are that the requirement invades their integrated existence, restricts their democratic participation, and hurts their religious freedom. In response to the integrity critique, I clarify that, firstly, the value of integrity may not be as demanding as the convergence approach has claimed. Secondly, the consensus approach by no means requires citizens to relinquish their deepest moral and religious beliefs and hence does not damage their integrated existence. Thirdly, the convergence approach confuses two different conceptions of democratic participation and thus mistakenly accuses the shareable public requirement of preventing citizens from fully taking part in politics. Lastly, I point out that there is a distinction between 'the right to do something' and 'doing the right thing'. Religious freedom is a foundational constitutional legal right. However, it does not denote the moral correctness of all references to such a legal right under all circumstances. Moreover, the presumption of religious liberty does not merely hinge on the restraint that religious citizens exercise, but rather on the question whether they have been posited in a fair social and political condition.

The theoretical and practical attractions of the convergence approach are manifested in its aspiration to protect each individual's integrity and to encourage them to articulate themselves in the political sphere. It advocates incorporating each individual citizen's most essential moral and religious convictions representing their identities into the public sphere. However, I argue that the convergence approach's aspiration of guarding individual integrity cannot be accomplished due to the incompleteness of its

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[95] Ibid.,770.

theoretical structure.

Lastly, I consider a closely intertwined critique, which questions the fairness of excluding unshareable nonpublic reason in the public deliberation. I argue that it is precisely the value of fairness that demands a fair democratic setting that prioritizes public reason as a quasi-exclusionary procedural constraint which precludes the advancement of nonpublic reasons that cannot be expected to be shared among free and equal citizens.

In the next chapter, I will entertain the final critique of the shareability requirement of public reason, the assurance critique, which argues that the consensus approach cannot account for actual compliance with public reason from reasonable citizens.

Chapter Six: Answering the Assurance Critique

I. Introduction

Recall that in Chapter Three, I brought out and answered the underlying question why it is fundamentally important that the political institutions must be rationally acceptable to all reasonable citizens. In other words, granted the fact of reasonable pluralism, why we ought to turn to the proposal of public justification of political institutions instead of pursuing a comprehensive truth ground. I believe that it is the equal respect that we owe to each other as equal members of a democratic political society and the perspective of internal participants of the political society that push us to search for public justification. The perspective of the public nevertheless allows another interpretation, the convergence approach, to account for public justification, apart from the consensus approach that I have defended in Chapter Three. The previous two chapters and this current chapter are dedicated to the examinations and discussions of the convergence approach's critiques of the consensus approach. I categorize four of them: the subjectivism critique, the asymmetry critique, the integrity critique, and the assurance critique. The subjectivism critique and the asymmetry critique are critiques of the consensus approach's plausibility, while the integrity critique and the assurance critique question the consensus approach's desirability from the standpoint that the consensus approach fails to supply a successful plan for the stability issue.

The convergence approach claims that the shareability requirement is undesirable as it tends to destabilize our political society, which consists in two aspects: one is its inability to give an individual citizen sufficient moral motivation to comply with the shareability requirement of public reason, and the other is its further inability to assure that everyone else will also comply with such a requirement. Firstly, from the individual's point of view, the shareability requirement is too demanding to be desirable, as it has imposed too strenuous a burden on religious citizens. Secondly, it is even more difficult to be sure that all citizens will not only agree to such a requirement but will actually comply with it. Therefore, laws cannot be successfully publicly justified on the basis of shareable public reason.

This chapter is going to consider the last critique, the assurance critique, namely, the critique that the consensus approach can barely ensure that everyone else in the political society will also honor the fair terms of cooperation over time. The assurance problem is not merely a challenge for the consensus approach but also for the convergence approach. The convergence approach, however, claims that it offers better solutions to this issue. In general, I will identify two solutions that the convergence

approach supplies and point out that neither of them suffices to solve the assurance problem. One is what I will call "the absolutist strategy", that the state intends to persuade every member and prospective individual member of society to agree with the political decision by understanding every single one's comprehensive doctrines. The absolutist strategy has its theoretical attraction in providing for every individual member of the society adequate moral motivation to be cooperative. But this solution is practically problematic, because of an inefficiency problem and an indeterminacy problem in implementing this ambition. The other strategy overcomes those two problems by using public rules coupled with the threat of punishment. However, this strategy is also normatively problematic as it fails to supply genuine moral motivation for citizens, which is what makes the convergence approach attractive in the first place.

I believe that the fundamental root of the inadequacy of the convergence approach's solutions stems from the fact that the convergence approach is unable to grasp the core *inter homines* feature of public justification and is therefore incapable of stabilizing the society as it has claimed. In contrast, I will argue that the consensus approach has a better plan for the assurance problem. The consensus approach is the approach that recognizes that the power of public justification lies in its reasons being for us together rather than for you or for me. Moreover, the promise of the consensus approach's solution consists in an underappreciated aspect of public reason, the transformative role of public reason, which precisely explains the transformation or the development of cooperative virtues of reasonable citizens.

Here is how my argument will proceed. In Section II and III, I will present the assurance problem and assess two solutions that the convergence approach has come up with: the absolutist solution and public rules with the threat of punishment. Having identified the defects of both solutions, I will point out the fundamental pathology of the convergence approach in Section IV. In Section V, I will indicate why the consensus approach's transformative aspect of public reason facilitates the cultivation of cooperative virtues which foundationally address the assurance critique and at the same time strengthen our underlying commitment to justice. Lastly, I will manifest how transformative public reason deals with the controversial diversity-related claims in Section VI.

II. The Convergence Approach's Strategy I: the Absolutist Strategy

2.1 The Assurance Problem and the Absolutist Strategy

To recapture the fourth critique the convergence approach launches against the

consensus approach:

The Assurance Critique: the shareability of public reason cannot ensure that all citizens will actually honor the fair cooperation in our political society.

The mutual assurance problem in collective action has actually been a long standing problem ever since Hobbes's time.[1] To ensure collectively rational outcomes, it is not enough to agree to certain conventions. It is also necessary to establish some mechanisms to assure actual compliance from people and to prevent them from defecting. Paul Weithman has underlined the assurance problem's significance and challenge to the framework of political liberalism. According to political liberalism, the core issue of stability for the right reason is an assurance problem in social cooperation. This kind of stability "requires that citizens be assured of one another's acceptance of a public conception of justice."[2] Weithman argues that political liberalism only signifies that public justification of political legitimacy is satisfied when an overlapping consensus of comprehensive doctrines is generated, whereas the obtainment of overlapping consensus alone cannot show that the political society would be stable for the right reason.[3] In other words, in the well-ordered society, reasonable citizens cannot be sure that other citizens will also honor the fair terms of cooperation over time and hence accept (one of) a family of political conceptions of justice supported by an overlapping consensus.

Specifically, in Rawls's account of reasonableness, Weithman detects a problem that the political society could be susceptible to destabilization "if people's commitment to justice is conditional on other people's commitment" to justice.[4] He points out that the adherence of fair social cooperation inevitably requires that some citizens sometimes act against their own interests or their own comprehensive doctrines in exchange for justice.[5] This consideration of justice could be extra high if it is just me who adheres to fair terms of cooperation. Even with the presence of an overlapping consensus, a person's comprehensive doctrines only give him sufficient reason to adhere to fair terms of cooperation on the conditions that others also do the same.[6] Therefore, "it is rational for a person to honor the terms of cooperation and treat the political conception of justice

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[1] See Paul Weithman, "Inclusivism, Stability, and Assurance," in *Rawls and Religion* (Tom Bailey and Valentina Gentile ed., Columbia University Press, 2015) 84.

[2] Ibid., 77.

[3] Ibid., 84-86.

[4] Andrew Lister, "Public Reason and Reciprocity," *The Journal of Political Philosophy* 25 (2017): 156.

[5] See Paul Weithman, "Inclusivism, Stability, and Assurance," 85.

[6] Ibid.

as authoritative only when she has the assurance that all others or a sufficient numbers of others also adhere to the terms" and accept the authority of the political conception of justice.[7] Weithman correctly identifies that it is the reference to public reason which intends to help solve the assurance problem.[8] However, he claims that the shareable public reason that the consensus approach adopts is not the most promising candidate for resolving the issue. The cardinal problem of the consensus approach stems from its exclusion of religion from political reasoning accompanying its emphasis on shareable public reason. The exclusion of religion, perhaps especially against the backdrop of American society, would produce enormous political divisions, which can permeate so deeply "that adherents of different comprehensive doctrines come to doubt the sincerity of one another's allegiance to political values" if the political values are just the camouflage for one's comprehensive doctrines.[9] Consequently, Weithman argues that political liberalism must allow the incorporation of religious reasons along with other comprehensive doctrines into public deliberation so long as the Rawlsian "proviso" is fulfilled, which Weithman interprets as citizens being able to adopt and reason from a common viewpoint in due course as well.[10] Weithman understands the satisfaction of the proviso as the acceptance of the legitimacy of political institutions, which alone settles the assurance problem.[11] In other words, for Weithman, citizens are allowed to introduce and base their votes on their comprehensive doctrines, provided that they would be able to invoke public reason to justify their votes when facing others' doubts.[12] Weithman thus concludes that his strategy outweighs the consensus approach in its inclusion of citizens' comprehensive doctrines, and it is also congruent with public reason.

For Weithman, the convergence of each citizen suffices to meet the goal of stability, and consensus is not needed. What gives reasonable citizens the assurance that fellow citizens would commit to the society's fair cooperation is simply that their reasons are introduced into the public sphere. To put it more directly, citizens will be cooperative if the political system (or the laws) is justified from each of their points of view. The "proviso" of public reason does not add substance to such a mechanism of assurance.

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[7] Ibid., 86.

[8] See ibid., 86.

[9] Ibid., 87.

[10] Ibid., 88-90. "To engage in public reason is to appeal to one of these political conceptions-to their ideals and principles, standards and values-when debating fundamental political questions. This requirement still allows us to introduce into political discussion at any time our comprehensive doctrine, religious or nonreligious, provided that, in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support." John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64 (1997):776.

[11] See Paul Weithman, "Inclusivism, Stability, and Assurance," 90.

[12] See ibid., 92.

Weithman's strategy aims to persuade every new individual member of the society to agree with the political decision, which I call "the absolutist strategy". In view of new circumstances and new groups of people coming into this society, the state needs to attend to each of their comprehensive doctrines to make the law justified to each of them so that every individual will be sufficiently motivated to cooperate. This absolutist strategy has the main attraction that it embodies the equal respect that we owe to each other.

As I have briefly mentioned in the beginning, it is the respect for persons that prevents us from taking my own comprehensive doctrines as the ones can be coerced upon others. Departing from the concern of equal respect, the convergence approach argues that the law must be seen as validated from each citizen's perspective. Therefore, in public reasoning, the citizens could provide different reasons persuasive to different groups of people with differing comprehensive doctrines. The convergence approach aims to give individuals' integrity due recognition by including their ultimate convictions in politics. For Gerald Gaus, the aim of public reason is to solve the puzzle of "how can we identify social demands that all have sufficient reasons to acknowledge as moral demands." [13] Driven by this question, Gaus believes that a moral imperative is authoritative social morality for all "only if each normal moral agent has sufficient reason to internalize" such an imperative, thus it cannot go against each moral agent's integrity, in other words, such a moral requirement cannot be at odds with the most fundamental conviction of each moral agent. [14] Religious critics believe that religious doctrines or religious reasons are integral to religious citizens' identity; therefore, they are too important to be ruled out. The convergence approach would at least allow ample room for religion in politics. As Nicholas Wolterstorff has argued, politics should "not only honor[s] us in our similarity" but also "in our particularities". [15] We offer reasons that are "tailor-made" for our particular addressees: "To Ryan, I offer reasons that I hope he will find persuasive; to Wendy, I offer reasons that I hope she will find persuasive." [16] Whenever a new group or new member comes into the society with brand new comprehensive doctrines, the convergence approach designates that all the existing members have to make an effort to learn their comprehensive doctrines to be able to

[13] Gerald Gaus, *The Order of Public Reason: a theory of freedom and morality in a diverse and bounded world* (Cambridge University Press, 2011) 262.

[14] See ibid., 400.

[15] Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," in Robert Audi & Nicholas Wolterstorff, *Religion in the Public Square: the place of religious convictions in political debate* (Maryland: Rowman & Littlefield Publishers Inc. 1997) 111.

[16] Ibid., 107.

persuade them that their doctrines support the constitutional principle.[17]

Apart from being moved by the equal respect that we owe to others, the convergence approach deems this effort to be the necessary cost that we must pay to engage in political deliberation if we aim to be assured that everyone is going to cooperate fairly, and hence that we can sustain the society's stability. Justice can be costly as adhering to the terms of cooperation would require that we act against our own comprehensive doctrines. The convergence approach believes that there is tremendous cost in maintaining the stable social structure. Furthermore, the convergence approach suspects that, as a valid empirical inference, reasonable citizens are likely to defect from public reason without any consideration of others or compensation for their being reasonable. Some convergence approach adopters even envision that, for the sake of keeping the society in order, the process of pay off would be costly and solemnly as cutting my own hand and letting the blood out to show my commitment of engaging in fair cooperation to others.[18]

2.2 Two Deficiencies of the Absolutist Strategy: Inefficiency and Indeterminacy[19]

I believe that the convergence approach's strategy of getting everyone and every group on board by learning others' comprehensive doctrines and thereby persuading them is highly inefficient and unrealistic. It seems like a plausible approach if the number of people we are addressing is small, such as a family, a group of friends, or even a small community within which everyone is familiar with each other. The cost of understanding

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[17] See Stephen Macedo, "Why Public Reason? Cooperation, Law, and Mutual Assurance," working paper in progress.

[18] See Brian Kogelmann and Stephen G.W. Stitch, "When Public Reason Fails Us: Convergence Discourse as Blood Oath," *American Political Science Review* 110 (2016): 717-730.

[19] As a remedy to these two deficiencies, Gaus appeals to an idea of "umpire" who understands democracy as an adjudicative mechanism and who adjudicates public reason among private reason holders who make conflicting judgments. In analogy with a referee in a football match, the umpire does not need to be a purely epistemic authority, but his judgment is the resolution to the practical dispute, for instance, by voting. See Gerald Gaus, "Reason, Justification, and Consensus: Why Democracy Can't Have It All," in *Deliberative Democracy: Essays on Reason and Politics* (James Bohman and William Rehg ed., Cambridge: The MIT Press, 1997) 233-234.

However, I think this adjudicative mechanism fails for three main reasons. First of all, this voting mechanism fundamentally abnegates the aspiration of the convergence approach, at least for the absolutists who aim to justify every moral demand to every individual social member. Secondly, the direct voting mechanism, at least without further elaboration, is actually a populist design which is bound to be unstable to changes occurred in people's comprehensive doctrines. Thirdly, even if, temporarily speaking, the society's comprehensive doctrines are stable, this mechanism nevertheless encourages the stabilization of permanent majorities and minorities, which is against basic justice and also tends to destabilize the current society in the long run.

each other's comprehensive doctrines is relatively marginal compared to the aspiration of realizing justice for every group member. In a small group where everyone knows each other, it is possible and necessary to reach a decision that attends to every single person's considerations. A public decision made on that basis is not only publicly justified, but also further strengthens the stability of the maintenance of this group. For instance, a five-person family is thinking about their vacation location this summer and they have different dream locations in mind. Some of them want to enjoy the vacation in Italy while others look forward to spending the summer in a much cooler place such as Norway. These two different locations represent completely different vacation preferences and seem irreconcilable. However, it is important to choose a destination that fulfills the needs behind every family member's choice and hence is acceptable for everyone so that everyone will enjoy themselves on the vacation. However, this mode of reaching a convergence will be highly inefficient and unrealistic in a political society constituted of strangers. It takes a large amount of time and economic cost as well for us to learn others' comprehensive doctrines, and these costs exponentially increase, especially with new groups entering the relatively stable political society. Even for public officials who are in the position to possess much more information and understanding of any changes occurring in the society, such an individualized requirement is still too unrealistic and demands overly favorable treatment from public resources. Therefore, the convergence approach's petition of attending to and accommodating every new comprehensive doctrine when new circumstances give rise to it and new groups form or come to the society cannot be realistically held up.

Another problem that arises from this strategy is that, in order to persuade every new individual member, if all citizens are able to invoke all kinds of reasons into politics, which may be invoked to justify or undermine a certain law's legitimacy, citizens may "have a much more diverse array of potential reasons to reject L [certain laws] than would be the case were they permitted to rely only on shared reasons."[20] Simply put, under the guideline of the convergence approach, while the possibilities of entering public reason increase, the difficulty of converging on a decision regarding debated laws escalates as well. That is to say, reaching a concrete political decision would become highly unlikely if it depends on every individual's actual acceptance.

The inadequacy of the first strategy is logical rather than normative. The reasoning behind the first strategy is that political institutions (e.g., laws) have to reflect on every individual member's concerns; however, political institutions as a set of rules and regulations with a set of political values cannot both work efficiently and at the same

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[20] Christopher Eberle, "Consensus, Convergence, and Religiously Justified Coercion," *Public Affairs Quarterly* 25 (2011): 290. It is not clear how religious critics combat this indeterminacy though.

time meet every single individual's requirements and preferences. Given the inadequacy of the first strategy, the convergence approach also advocates a contrasting strategy that includes the threat of punishment to ensure that no defection occurs, which disregards whether individual concerns are properly accommodated. I will argue, however, that this second strategy is normatively insufficient.

III. The Convergence Approach's Solution II: Public Rules with the Threat of Punishment

This solution (of the convergence approach) precisely identifies that the main element undermining the assurance provided by public reason is the unreliability of individuals' performance, which is called "noise and drift".[21] Specifically, along with Weithman, some other convergence approach adopters argue that the consensus approach is fragile in grappling with the stability issue since what the consensus approach offers by public reason is only "cheap talk" in the sense that it does not impose cost for defecting.[22] Due to this problem that is essentially attached to public reason, the convergence approach holds that the stability maintained by public reason is fragile as it "permits noisy signaling that can be amplified by informational drift" even in a well-ordered society, since "the phenomena do not require that agents be unreasonable or substantially misinformed."[23] While Weithman has pointed out the assurance problem, he has not explained how the problem could be settled apart from emphasizing that the public reason proviso would be satisfied anyhow. The question for Weithman remains why citizens would be able to accept political legitimacy in spite of their contrary comprehensive doctrines. For instance, according to Weithman, a religious citizen may bring into the debate of the legalization of women's abortion rights or same-sex marriage her religious doctrine which says that neither abortion nor the same-sex marriage should be legalized. But she would still accept the legitimacy of both of these laws despite her objections. However, it remains unexplained why and how she would suddenly be able to accept a law that is

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[21] See John Thrasher and Kevin Vallier, "The Fragility of Consensus: Public Reason, Diversity and Stability," *European Journal of Philosophy* 23 (2013): 941-942, 944. "Noise is the problem of distinguishing between communication by citizens that signal allegiance to the public conception, and hence assurance, and forms of communication that do not." For instance, the trouble with telling the difference between sectarian or self-interested reasons and public reasons as the basis of political decisions in the public forum is the typical noise. And the drift is the amplification of noise that occurs over large numbers of interactions.

[22] See Gerald Gaus, "A Tale of Two Sets: Public Reason in Equilibrium," *Public Affairs Quarterly* 25(2011): 317.

[23] John Thrasher and Kevin Vallier, "The Fragility of Consensus: Public Reason, Diversity and Stability," 945.

exactly the opposite of her comprehensive doctrines.

Some convergence approach writers thus advise us to jettison public reason as a plan at all. Notably, John Thrasher and Kevin Vallier argue for an assurance mechanism consisting of bodies of legal and moral norms, formal or informal, just like a traffic light which coordinates drivers from different directions at an intersection.[24] This is a shift from public reason as a direct moral activity between citizens to "public rules" which regulate citizens' public deliberation indirectly.[25] And the point of this shift is that the assurance and stability that we are aiming for no longer depends upon individuals' moral consciousness or reasonableness, which, as the convergence approach deems, is fundamentally unreliable. A consequential change along with this assurance mechanism advanced by the convergence approach is that, in contrast to what the consensus approach insists, we need not know or even share one another's reason for complying with public rules, as the rules determining the inherent stability can be achieved without knowing the reasons behind one another's compliance.[26] Hence, "stability for the right reasons can be maintained so long as social processes and institutions associated with the political conception are publicly recognized and followed."[27]

However, Thrasher and Vallier have not made the role of public rules as a coordinated traffic light completely clear. They have not been clear about what the public rules are exactly, and this vagueness could lead to differing interpretations, none of which genuinely bolsters the convergence approach's claim. Are the public rules legal norms or moral norms? If the public rules that the convergence approach has in mind are moral norms which work as an assurance mechanism, it is implausible for the convergence approach to really distinguish them from the moral duty of civility out of shareable public reason. Moreover, even if there is a way to distinguish the moral norms from shareable public reason, for instance by specifying some grounding moral norms and strengthening their moral forces, the problems of noise and drift which led Thrasher and Vallier to reject public reason in the first place still exist too. That is to say, it is still difficult to determine whether citizens are actually converging on moral norms or if they are again simply dissembling the master moral norms as another mask for their self-interest-motivated actions.

In the same vein, Gaus identifies the problem of assurance as a problem that the consensus approach is bound to fail to tackle. While the consensus approach is concerned with accounting for the normative expectations of others in explaining why

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[24] See ibid., 946-948.
[25] See ibid., 948.
[26] See ibid., 948-949.
[27] Ibid., 949.

everyone complies, it ignores that the assurance problem lies more critically in the "first-order empirical expectations about what others will do"[28]. Moreover, the "empirical expectations are a much more powerful factor" than the normative expectations of assurance from others.[29] In order to gather the empirical expectations from others, a certain amount of knowledge of others' information is needed. Gaus continues, "If we assume that each and every person has full knowledge of the compliance of others… we can see how iterated interactions lead to complete compliance." [30] However, since it is likely that there are always mistaken judgments about others in reality, it is impossible to gain full empirical knowledge of others. What we can know for sure is the knowledge and information relied on by those with whom we regularly interact every day. Gaus believes that the key to lowering the possibility of the defection of others is equilibrium in political decisions with citizens' "unrestricted set of reasons".[31] And the most effective way to prevent deviation from the equilibrium of compliance is still punishment: Law enforcement helps to "counteract non-compliance" and hence stabilizes norms "in the face of temptation to defect".[32] Gaus even goes as far as to claim that "it is very hard to see how stability can be secured in the face of imperfect information without willingness of many to punish perceived violators".[33]

I believe that this strategy of deploying state coercion is still not a very promising way to maintain assurance. It is very likely indeed that coercion or punishment to rule violators would effectively strengthen the cooperation by increasing the costs of not complying. The risk of fines or jail may "tip the balance in favor of cooperating rather than defecting."[34] However, David Gauthier reminds us that it is not necessarily workable from a practical point of view. Someone "will not fear punishment if I[one] know[s] that the state lacks the personnel or resources to monitor my[his] behavior properly, or if I[one] know[s] that the police or judges can be bribed."[35] For the purpose of solving this problem, it would however cost hugely to "establish a comprehensive system of policing

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[28] Gerald Gaus, "A Tale of Two Sets: Public Reason in Equilibrium," 318.

[29] Ibid.

[30] Ibid.

[31] Ibid., 320.

[32] Ibid., 321.

[33] See ibid. In *A Theory of Justice*, Rawls seems to also adopt the Hobbesian approach to the assurance problem in the sense that it is the problem for a state to manage to manifest its efficacy. He identifies that "the aim is to assure the cooperating parties that the common agreement is being carried out. Each person's willingness to contribute is contingent upon the contribution of the others. Therefore to maintain public confidence in the scheme that is superior from everyone's point of view, or better anyway than the situation that would obtain in its absence, some device for administering fines and penalties must be established." John Rawls, *A Theory of Justice* (Harvard University Press, 1971) 270.

[34] Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford University Press, 2002) 131.

[35] Ibid.

and justice", and it perhaps will not work after all due to an infinite regression of avoiding punishment by bribing someone superior.[36]

Moreover, the threat of punishment from a coercive state does not suffice to provide genuine moral motivation for citizens to undertake collective cooperation together. Citizens can be obliged to comply with the rules when there is threat of coercion; however, it does not mean that they would believe that they have the obligation to comply. That is to say, under the threat of punishment, citizens are forced to be cooperative. Being forced to be cooperative on fair terms cannot sufficiently answer the assurance problem, as the problem of stability generally is motivational, and being forced to do something is not an adequate account for moral motivation. Neither moral judgment nor moral desire can be inferred from the psychological state under force. Admittedly, this strategy is not solely reliant upon punishment but rather deploys the threat of punishment as a precautionary measure to prevent possible defection. Nonetheless, the fear of punishment cannot explain the generality of collective cooperation activity, and far from reflects citizens' willingness to recognize their political institutions and democratic procedures.

I believe that such a vision of the cost and even the bleak, pessimistic characterization of assurance problem itself stem from a mistaken or at least exaggerated assumption of human nature. The convergence approach resembles Oliver Wendell Holmes's assumption of a bad man's perspective of law[37], in which people only respect or honor certain ideals when there is reward or compensation or when they are sure that they are not being taken advantage of by others. For instance, the convergence approach assumes a world where I judge whether I have breached traffic rules by the consequence, and I would only accept the fine of my violating traffic rules on the condition that others who have broken the rules are also fined. Although it is empirically true that even many reasonable citizens harbor such a perspective of social cooperation, it does not mean that it is the only perspective from which citizens depart when it comes to social cooperation. It is still plausible and perhaps commonplace that most of reasonable citizens regard the fair cooperation within our society as of fundamental importance to our political life. For example, most church attendees take their hats off in a church not only because they dread others' critiques, but also because they take the social rule of taking hats off in a

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[36] See ibid., 131-132, 163. For instance, "fisherman will overfish unless monitored and punished by police officers. But a self-interested police officer would accept a bribe from the fisherman, unless monitored and punished by some superiors. And a self-interested superior would accept a bribe from the police officer, unless subject to some system of monitoring and punishment from an even higher-up authority". The regression could keep going on like this.

[37] See Oliver Wendell Holmes Jr, "The Path of the Law," *Harvard Law Review* 10 (1897): 457-478.

church as their behavior standard.[38] In football matches, most football players refrain from hurting their opponents in their quest for possession of the ball not just because they might otherwise be punished by the referee, but because they regard the vicious foul as something essentially wrong in itself. Likewise, most reasonable citizens, especially against the backdrop of democratic public culture that Rawls conceives of, realize or come to realize the moral significance of being fair to each other. Surely I am not imaging the society that Rawls has in mind as a highly civilized or developed society full of moral angels; nevertheless, I do not believe the society model and behavior patterns that the convergence approach visualizes have appropriately measured what a real liberal society with democratic traditions is capable of. The inadequacy of this strategy of the convergence approach consists in its negligence of a generally overlooked aspect of public reason, the transformative or educative aspect of public reason, that citizens can be actively involved in fair social cooperation for the promotion of justice, out of a civic duty which is embedded in what counts as a responsible, good citizen. I will come back to this transformative aspect of public reason later.

To summarize the convergence approach's two strategies, both of these two strategies have their attractions; however, they both fail to resolve the assurance problem. On the one hand, the absolutist strategy helps to explain that its mode will sufficiently motivate all citizens to honor fair cooperation in society by attending to every citizen's concerns. Yet, due to the essential unreliability of individuals, the absolutist strategy is highly inefficient and indeterminate in realizing its absolutist goal to expunge the assurance problem. On the other hand, deploying public rules with threats of coercion would effectively stabilize the individualistic fluctuation and thus overcome those two deficiencies of the absolutist strategy; it nevertheless lacks the attraction of the first strategy inasmuch as it fails to provide a normatively compelling moral motivation for citizens' collective cooperation. Therefore, neither of these two strategies succeeds in giving individual members an assurance that others will also be effectively motivated to commit to social cooperation. It seems like the convergence approach is forced to confront a dilemma: either it insists on its ambition to incorporating or satisfy every individual at the expense of practical unfeasibility, or it tackles the practical difficulty of assurance by coercion, which disappoints its ambition of making laws as moral demands justified to every individual member. This dilemma, I believe, is caused by its perverted vision of political institutions as a market that aggregates individual choices.

IV. The Pathology of the Convergence Approach

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[38] This example is an adaption of H. L. A. Hart's critique of taking the habit of obedience as what is essential to the law. See H. L. A Hart, *The Concept of Law* (Clarendon Press, 1961) Chapter 2-4.

For the standard convergence approach, political institutions are not registers whose tasks are simply to register the views of the citizenry. Rather, the "best political institutions draw directly on the firmest knowledge possessed by citizens" to generate publicly justified outcomes.[39] Recall that Gaus boils down the fundamental question in public justification to this simple question: how can we justifiably impose moral demands on others? For the convergence approach advocates, the answer hinges on whether the justification can be accepted by the specific interlocutors in this interpersonal relationship. When it comes to the public sphere, the convergence approach's aim in the end is an "agreement of all parties in a given group on a set of rules to structure their interaction and cooperation."[40] This aim is achieved if all or a majority of the members comply with the rule they agreed to beforehand.[41] The reasons they offer to each other are reasons for each *individually* rather than reasons for all individuals together. In deciding whether a contested law can be approved or disapproved of by collective decision-making procedures while putting grounding reasons aside, liberal democracy becomes a market of private choices for consumers: the choice that attracts the most endorsement becomes law. The task of political institutions becomes similar to how a market generates output from input.[42] Political institutions work as a market: The more information the institutions gather from citizens, the more reliably justified outcomes the institutions may be able to generate.[43]

Public reason deliberation in this sense merely looks for a location to record each individual's point of view, while harboring no ambition to exert any influence on the result of public reason. The convergence approach considers "tampering with citizens' behaviors is morally unattractive on liberal grounds".[44] Instead, they consider politics "as a market", which should just "transform information about citizens' reasons into publicly justified outputs."[45] In other words, the convergence approach leaves sufficient room for all moral viewpoints which may "reflect a wide variety of concerns and interests" in a political society to freely compete, and those voted on or agreed by most people become

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[39] Gerald Gaus & Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The implications of convergence, asymmetry and political institutions," *Philosophy Social Criticism* 35(2009): 66-67.

[40] Gerald J. Postema, "Public Practical Reason: An Archeology," *Social Philosophy and Policy* 12(1995): 72.

[41] Ibid.

[42] See Gerald Gaus & Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The implications of convergence, asymmetry and political institutions," 66-67.

[43] See ibid., 66-71.

[44] Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Routledge, 2014) 190.

[45] Ibid.

publically justified laws.[46] Public reasoning is in this sense instrumental, since reasons are relatively sensitive to each citizen individually, which renders the process of public practical deliberation almost superfluous. Even in the initial scenario between two individuals, for the convergence approach, it is never a goal to identify or recognize considerations which could be normatively attractive for both parties in an interpersonal relationship, not to mention for a whole citizenry. Rather, it suffices for their purpose so long as one party manages to make the other party "get on board" regardless of her reasons and also the efficacy of their exchange of opinion.

According to their view of politics as a market, public deliberation is indeed superfluous, while the merit of the convergence approach's instrumental view of public reasoning needs to reflect on the further question whether it is desirable to perceive politics as a market. For starters, its biggest merit is efficiency, since this model does not investigate the basis of the final choices of consumers. However, the notion of "consumer sovereignty" can only be acceptable insofar as the action that the consumer chooses only affects her, which is not the case in our real political life.[47] From the point of view of rational actions, this model "may provide a useful analysis of rational self-interest," but it is hardly a method of moral justification, as justice is not seen as a value in this model.[48] The "task of politics is not only to eliminate inefficiency, but to create justice", one of whose distinctive features is fairness, as in political situations, the citizen's preference might also affect that of fellow citizens.[49] The market model of politics adopting collective decision-making procedure, is nonetheless deficient in that regard as "collective decision-making procedures cannot satisfy the standard of fairness and hence cannot be intrinsically valuable."[50]

Moreover, the convergence approach fails to acknowledge that public reasoning is moral reasoning by nature, which is reasoning addressed by persons to a public of which they count themselves as members. In order to "locate common ground for action and assessment among rational agents who must live in close proximity to, and interact with each other," the reasons citizens offer one another in public deliberation are supposed to be reasons for us rather than for you or for me.[51] "Public justification is aimed not only

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[46] See ibid.

[47] Jon Elster, "The Market and the Forum: Three Varieties of Political Theory," in *Deliberative Democracy: Essays on Reasons and Politics* (James Bohman and William Rehg ed., The MIT Press, 1997) 10.

[48] See Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, 136.

[49] See Jon Elster, "The Market and the Forum: Three Varieties of Political Theory," 10-11.

[50] Thomas Christiano, "Introduction," in *Philosophy and Democracy: An Anthology* (Thomas Christiano ed., Oxford University Press, 2003) 10.

[51] See Gerald J. Postema, "Public Practical Reason: An Archeology," 74.

at vindication; it also aims at common formation of judgment."[52] Practical deliberation on the convergence approach merely creates convergent paths for coordinated behavior directed toward their realization. The convergence approach appears to be able to accurately reflect the formation of people's judgment but it can only passively "write it down" or register people's comprehensive doctrines while it cannot actively contribute to the formation process.

Contrariwise, the consensus approach identifies the essential *"inter homines"*[53] characteristic of public justification. The consensus approach's shareability requirement of public reason signifies that "public justification is not merely *ad hominem;* it is essentially *inter homines.*"[54] For the consensus approach,

> "[T]he reasons I offer you are not merely reasons that I find persuasive, nor reasons I believe you do or could find persuasive, but rather reasons I believe we do or could find persuasive… the policies or judgments, thus, are put forward as those they together can endorse on the basis of reasons they together can recognize as having force for them."[55]

Therefore, only reasonable people who are committed to public reasoning are able to "engage together in articulation, deliberation, and argument about the structure and direction of their common life."[56] Practical moral or political discourse is in that sense robustly public in conducting public reasoning with shareable public reasons. In short, the convergence approach's practical reasoning fails to provide a solid basis for real public justification. Their practical reasoning is essentially instrumental reasoning, in the sense that their reasons are set out to be normative reasons internal to practical deliberation, but their initial aim of attending everyone's reasons cannot be sustained in a political society. This is because the convergence approach's vision of democratic politics as a market downplays the central importance of justice. By contrast, the consensus approach regards the task of public justification as having to be justifiable to all of us altogether, which fundamentally deviates from the convergence approach's aggregated individualistic route.

From the perspective of the practical guidance of public reason, Steve Macedo argues that "the robustness of mutual assurance in conditions of fluid diversity is greatly

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[52] Ibid.

[53] Ibid.

[54] Ibid.

[55] Ibid., 74, 76.

[56] Ibid., 76.

enhanced by our mutual subscription to publicly reasoned political conceptions of justice capable of being articulated and extended to cover all major questions of justice even when new circumstances arising, since the articulation and extension are taken place on grounds" shareable by all.[57]

However, the robustness of public reason by no means refers to inertness in shaping the public culture of liberal democratic societies. Macedo clarifies that the understanding of the robustness of shareable public reason is not the ability to make predictions about future political affairs, but is an expression of the moral confidence of a transformative aspect of public reason, that through shareable public reasons, our fellow citizens are committed to "carrying forward our shared political project on mutually endorsable terms": values of freedom, equality, and fairness.[58] It is this transformative aspect of public reason that facilitates us to see the promising way out of the assurance problem.

V. Tackling the Problem of Assurance: Public Reason's Transformative Role

Before explaining the consensus approach's response to the assurance problem, I will set two puzzles aside. To begin with, it is puzzling that, while Weithman confirms the role that public reason has played in explaining reasonable citizens' moral duty to be fair to each other, he also deems the exclusion of religious reasons in political deliberation as too politically controversial and suspicious. In accord with this thought, political conceptions as freestanding views cannot be intelligible if they are easily identified as the camouflage of comprehensive doctrines. Admittedly, it is possible that a person may use the political value of religious liberty to champion her own religious doctrine in political deliberation. Nevertheless, it is a different issue than that citizens should honor the moral duty of following public reason in public deliberation. The former is a factual concern while the latter is a normative requirement. Secondly, in introducing the assurance problem, Weithman has extended Rawls's original concern from "expected to be endorsed" to actual endorsement. However, the public justification that the consensus

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[57] Stephen Macedo, "Why Public Reason? Cooperation, Law, and Mutual Assurance", working paper in progress. He lays down three layers of robustness of shareable public reason. Firstly, "it is robust to shifts in the balance of power among groups and to changes in people's non-public doctrines," as it is based on freestanding political conceptions that appeal to autonomous or independent principles of political morality of fairness instead of referring to citizens' comprehensive doctrines. Secondly, it is also "robust to new circumstances and problems" as its resources are sufficient to incorporate new challenges as new circumstances arise. Thirdly, it is "robust to the emergence of new groups" as well, inasmuch as the political principles and "institutional forums should provide means for fairly integrating new groups".

[58] Ibid.

approach puts forward at no point depends on actual endorsement but only needs to be endorsable. The criterion for public justification is not actual acceptance but acceptability.[59] The point is to say that the question of public justification is a normative one, and it aims to work out the content and structure of liberal political justification given the fact of reasonable pluralism in any democratic society.

According to political liberalism, Rawls dealt with the moral psychological problem of "why and how we shall all be fair to each other in social cooperation" by the conception of reasonableness. Rawls believes that several consequences will follow from citizens' moral power to be reasonable, namely they are ready to "propose and to abide by fair terms of cooperation, their recognizing the burdens of judgment and affirming only reasonable comprehensive doctrines, and their wanting to be full citizens."[60] It follows that citizens will have a capacity to acquire conceptions of justice and a desire to act according to these conceptions along with a conception of the good. On the basis of just social institutions and political practices, they are willing to do their fair share as long as they have reasonable assurance that others will do their fair share too. Therefore, over the long haul, citizens will gradually develop and strengthen mutual trust and confidence in sustaining this fair cooperative society.[61] It seems that for Rawls, the conception of reasonableness presumes the condition that every reasonable citizen would adhere to the fair terms of social cooperation. Reasonable people act in ways that can be justified to others and are willing to abide by fair terms of social cooperation for their own sake. Since the essence of being reasonable for citizens who share a political life together simply is to take other people's interests or considerations into account, it is within reasonable citizens' moral power to be ready to "propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so."[62] It is true that in reality, anyone could be unreasonable sometimes and act totally out of self-interest even though he ought to act reasonably and fairly. The convergence approach cannot eradicate that possibility either, even if it allows every citizen to introduce their own comprehensive doctrines. A person who is entitled to bring her comprehensive doctrines into political deliberation is still capable of turning her back on the fair terms of social cooperation in reality. Anyone could still defect, even from their own convictions, for all kinds of reasons, which is why real-life politics is

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[59] A popular misunderstanding of the consensus approach confuses the task of public justification with actual popular acceptance, whereas popular acceptance is such a foundational assumption or starting point of political liberalism that liberalism would be unstable without it. See Jonathan Quong, *Liberalism without Perfection* (New York: Oxford University Press, 2011) 159.

[60] John Rawls, *Political Liberalism* (Columbia University Press, 1996) 86.

[61] Ibid.

[62] Ibid., 49.

complicated. The difference between the consensus approach and the convergence approach is defined by their conceptual divergences instead of the results of their practical implementation.

Whereas Rawls spent a great deal of ink in addressing the issue of stability, it appears that most of his concern was on the former question, "why a reasonable citizen *should* follow public reason" rather than the latter one, "why a reasonable citizen *will* follow public reason", which implies "how this citizen could be assured that others will do the same". Rawls did not say much specifically about the problem of assurance in his detailed treatment of stability, which is because he does not deliberately consider the issue of assurance as a conceptually separate issue from the problem of stability for political liberalism. For Rawls, the answer to "why I as a reasonable citizen am expected to follow public reason in public life" also answers "why everyone else is also expected to do the same". That is to say, according to Rawls, what deals with the issue of stability also includes an answer to the mystery of assurance, that answer exactly consists in the content of public reason, and the content of public reason is supplied by political conceptions of justice supported by an overlapping consensus.[63] Therefore, the problem of assurance is fundamentally a question of how could every individual reasonable citizen regard political values as a priority to their comprehensive views so that they will not defect from the guideline of public reason filled with an overlapping consensus of political conceptions.[64] In order to grasp the essential point of this conviction, I believe

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[63] It is worthwhile to note that, for Rawls, the concept of overlapping consensus is conceived as an ideal which could be approximated as close as possible but maybe not fully achieved in actual politics. An ideally full overlapping consensus can be achieved "if the liberal conceptions correctly framed from fundamental ideas of a democratic public culture are supported by and encourage deeply conflicting political and economic interests, and if there be no way of designing a constitutional regime so as to overcome that." The arrival of a full overlapping consensus takes two steps from the modus vivendi to constitutional consensus, which designates that certain liberal principles of political justice are accepted, and from constitutional consensus to an overlapping consensus, which is wider, deeper, and more specific than constitutional consensus. See ibid., 158-168.

However, in my chapter here, I do not intend to follow the distinction between constitutional consensus and overlapping consensus, as the differences between these two concepts are not really crystal clear. Moreover, it may complicate the story and hinder our understanding of the gist of how to achieve such a consensus.

[64] The only time that Rawls explicitly addresses the basis of the reasonable assurance that other citizens will comply with constitutional arrangements is when he states that the very basis is "past experience" (Ibid., 168). Rawls does not elaborate on that though. In my view, given his characterization of the stability issue, including the assurance problem, as how an overlapping consensus could emerge, the "past experience" for Rawls refers to the historical evidence of religion and philosophy which supports the notion that political values are received from comprehensive views. Nevertheless, I do not believe this "past experience" is appropriate for giving this support. In fact, I do not believe any factual evidence could play the role as a substantive reason here. After all, any historical argument could be easily overruled by any new incoming situation, and we cannot use

that there is a "transformative" or "educative" aspect of public reason directing toward the improvement of justice, which has not been paid too much attention, and which provides us with the key to the problem of assurance.[65]

Let me illustrate the transformation process of citizens' appreciation of fundamental political values as follows. Given that the barricade for citizens' collective cooperation may be their self-interests or comprehensive views, it is important to notice that a person's self-interests or comprehensive doctrines may be not dominant all the way down. In other words, most people's comprehensive doctrines are not general or extensive throughout, and there is lots of room for liberal principles of justice to "loosely cohere" with part of them; in the meantime, the liberal principles of justice would, at least partially, "allow for the pursuit of different comprehensive doctrines."[66] The upshot is that many citizens come to accept the principles of justice as part of constitutional and political practice without any particular presumptions of those principles' relationship to their comprehensive doctrines. They could very likely accept those principles out of self-interests as well as for the society.[67] Rawls identified two conditions, the fulfillment of which would make citizens pledge their allegiance to liberal principles of justice and political institutions, which is what gives reasonable citizens the assurance that everyone else will lead a fair cooperative political life. Firstly, the liberal principles and political institutions should be able to fix and prioritize the content of basic rights and liberties, an undertaking that would free citizens from "the calculation of social interests".[68] Secondly, political groups must be able to use public reason in public reasoning on its own terms as they "enter the public forum of political discussion and appeal to other groups who do not share their comprehensive doctrines."[69] This is a vitally important point as this point makes it rational for citizens to,

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historically successful experiences to prove this success of congruence is going to last into future. As Rawls himself claims, "History is full of surprises" (Ibid., 87).

[65] Macedo accurately identifies the transformative aspect of public reason: "transformative constitutionalism itself suggests certain principles of accommodation, for it is not simply a set of limits on political power, but an aspiration toward a certain kind of civil society: one in which people share a public moral order and respect one another as common participants in that order. Since a liberal public morality is always (more or less) in a state of coming-into-being, we should accommodate dissenters when doing so helps draw them into the public moral order: when it helps transform a modus vivendi into a deeper set of shared principled commitments." See Stephen Macedo, "Transformative Constitutionalism and the Case of Religion: Defending the Moderate Hegemony of Liberalism," *Political Theory* 26(1998):73.

[66] John Rawls, *Political Liberalism*, 160.

[67] See ibid.

[68] See ibid, 161.

[69] Ibid., 165.

"[M]ove out of the narrower circle of their own views and to develop political conceptions in terms of which they can explain and justify their preferred policies to a wider public so as to put together a majority. As they do this, they are led to formulate political conceptions of justice. These conceptions provide the common currency of discussion and a deeper basis for explaining the meaning and implications of the principles and policies each group endorses."[70]

Therefore, the employ of public reason together with the basic rights and liberties settled down in the constitution tends to "encourage the cooperative virtues of political life: the virtue of reasonableness and a sense of fairness, a spirit of compromise and a readiness to meet others halfway, all of which are connected with the willingness to cooperate with others on political terms that everyone can publicly accept."[71] The cultivation of this cooperative virtue is in line with the human nature to "understand, act on, and be sufficiently moved by a reasonable political conception of right and justice to support a society guided by its ideals and principles."[72] Moreover, on the basis of political principles predicated on fundamental political values, reasonable citizens act together in willingness and with good intentions in accordance with constitutional arrangements. And "as the success of political cooperation continues, citizens gain increasing trust and confidence in one another"[73] to carry on this cooperation. When new and fundamental constitutional problems arise, as long as an overlapping consensus is in place, it will be able to be weighed to work out what political conceptions best fit the underlying fundamental political values. A virtuous circle of the transformation of liberal society is thus generated. It is in this transformation process of overlapping consensus that we that it is through citizens' adherence to public reason that they are engaging in a voluntary process of identifying and promoting those political principles underpinned by basic political values. Therefore, in such a society, reasonable citizens' collective fair cooperation is not merely out of self-interest, habits of obedience, or even fear of punishment, but out of a willing, engaging, and critical attitude to the very political society in which they live together, and by virtue of the cooperation through which they advance its civic culture in their everyday lives. I have to emphasize that by civic culture, I mean the social culture of daily life which includes all comprehensive doctrines of civil society. It needs to be differentiated from the tradition of democratic thought in a democratic society. The content of democratic thought is "at least familiar and

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[70] Ibid.

[71] See ibid., 163.

[72] Ibid., lxii.

[73] Ibid., 168.

intelligible to the educated common sense of citizens generally."[74] And it includes society's main institutions, and their accepted forms of interpretation, which are seen as "a fund of implicitly shared ideas and principles."[75] The point of the transformative aspect of public reason exactly lies in the progression of the social culture in general.

In short, the convergence approach's solutions to the assurance problem fall short of seeing public reason as a continuing process that progresses along with the evolvement of a family of conceptions of justice. The convergence approach's view of laws as protecting individuals so that they can freely live up to their own comprehensive doctrines presents an incomplete image of the aims of a liberal constitutional order. The incompleteness is due to their neglect of the properly understood transformative aspect of public reason. Yet, "public reasons are made, shaped in the process of public practical discourse, and learned through learning how to participate in that discourse."[76] The transformative aspect of public reason tends to "transform the larger context within which members understand and evaluate proposed judgments and principles."[77] It is this transformative aspect of public reason that explains the reasonable assurance every citizen gains from her reasonable fellow citizens. Moreover, it is also the direction that public reason is able to steer towards that strengthens the desirability of the idea of public reason as such.

VI. An Example of Transformative Public Reason: the Controversy of Diversity

Lastly, I will develop the transformative role of public reason to entertain a concept which is often entangled with controversies: diversity. The consensus approach is often accused of being indifferent to the claim of diversity in terms of the accommodation for new groups with ethnic, linguistic, and religious diversity in contemporary liberal democratic societies. This accusation is not true, however.[78]

For those theorists who champion diversity, diversity is undoubtedly regarded as a vital value for the prosperity of liberal democracy. However, their championing diversity

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[74] Ibid., 14.

[75] Ibid.

[76] Gerald J. Postema, "Public Practical Reason: An Archeology," 74.

[77] Ibid.

[78] In contrast with the accusation, Steve Macedo believes that shared standards of public reasoning actually may facilitate diversity instead. He argues that the sharing of commitments to a public standard of justice would free us from distrust or doubts in our nonpublic lives and strengthen the society's stability. "By providing a public language of mutual accountability, public reason may *enable* fluidity and *facilitate* the flourishing of those forms of diversity prepared to accept the regulative values of free and equal citizenship." See Stephen Macedo, "Why Public Reason? Cooperation, Law, and Mutual Assurance".

is established upon jumping over two presumptions: firstly, diversity is a value rather than a social fact that arises within the evolvement of the society; secondly, not only is diversity an important political value or a value of sociological importance, it is also a value that possesses comparable significance with the values as liberty, equality, and fairness of opportunities that underscore our liberal democracy. Furthermore, there are two possible interpretations that depart from regarding diversity as a political value: diversity should be either perceived as an important instrumental political value which aims to enrich and promote the justice of a liberal democratic political society; or, in a stronger sense, that diversity should be entertained as an indispensable intrinsic value such as liberty, equality, and fairness, which are at the heart of a liberal democratic society.

Nonetheless, these two presumptions cannot be so quickly taken for granted, since either refutation of these two presumptions would overcome the critics' critique of the consensus approach's so-called underestimation of diversity. For one thing, if diversity in society is a social fact that arises along with the development of contemporary liberal society, then it is not entitled to or needs no special protection to warrant or even support its continuation. This is the strongest rejection of accommodating diversity.

A weaker version would be if we perceived the value of diversity as an instrumental value which facilitates the realization of justice, then the critics' (including many religious critics who I attribute to the convergence approach) claim of diversity must be able to be supported by the contribution that diversity makes to justice, otherwise the value of diversity does not deserve to be paid special attention. Moreover, if the value of diversity becomes a burden and ceases to support the realization of justice in society, it will lose its importance as an instrumental value. Macedo points out that "any tolerably complete account of our disposition toward diversity needs to take account of the dependence of our political order on the habits, values, and interests formed in 'private' communities, including religious communities. The degree of support that these communities provide for our shared political project is a vital public concern." [79] Therefore, the accommodation that we make toward claims of diversity should depart from a perspective that recognizes the utmost importance of diversity for the core political values of the democratic society.[80]

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[79] Stephen Macedo, "Transformative Constitutionalism and the Case of Religion: Defending the Moderate Hegemony of Liberalism," 65.

[80] I believe that Macedo views diversity in this light, that diversity helps to strengthen the fundamental political values: "[I]ndeed, there is ample reason to think that a modern mass liberal democracy cannot thrive…without the support of certain patterns and kinds of intermediate associations. Modern liberal democracy needs the right sort of civic culture, and religious communities of the right sort are an important part of this culture." See ibid.

The weakest rejection of critics' claim of diversity would still be strong enough. Even if diversity is regarded as an intrinsic political value that has been embedded within the liberal democratic value system, it does not necessarily enjoy the same privileged position as liberty, equality, and fairness, as not all important political values have the exact same weight. Hence, if diversity is a downstream value of the fundamental values of liberal democracy, then at least the accommodation for diversity would have to be limited by those primary bases of liberal democratic societies. In other words, the accommodation for diversity cannot conflict with the basic values of liberty, equality, and fairness; otherwise, the accommodation for diversity has to be outweighed by those basic values.[81] The consensus approach's fundamental commitment to justice based on liberty, equality, and fairness places exactly such a limitation on other values. In that sense, contrary to what the critics have claimed, the consensus approach is able to support whatever the claim of diversity advances, so long as it does not conflict with the fundamental values of liberty, equality, and fairness. Demarcating by the basic rights and constitutional essentials that protect the equality of all individuals, the consensus approach actually leaves rather spacious room for newcomers, whatever religious or cultural minorities, to make their cases while also giving due weight to legitimate policy goals. All the consensus approach asks for is that newcomers should be able to take the basic values underscoring shareable public reason seriously, and realize that their religious or philosophical views do not enjoy special privileges in the public sphere. Therefore, if a democratic society strengthens the values of liberty, equality, and fairness embedded in public reason by discouraging various kinds of religious or comprehensive views, it does not mean that such a society is unfair to those comprehensive doctrines, nor does it represent the advancement of a particular comprehensive doctrine.

Granted that the consensus approach seeks common ground that all reasonable citizens would be able to stand on, this does not mean that it cannot still "affirm the superiority of certain moral character and encourage certain moral virtues"[82], insofar as they belong to a reasonable political conception of justice for a constitutional regime. Such values as liberty, equality, and fairness are shared by citizens and do not depend on any particular comprehensive doctrines, since they are distinctively political values tied to

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[81] Precisely for this reason, many liberals in Britain, the Netherlands, Germany, etc, strongly object to the claim of incorporating "Sharia Councils" into their domestic legal systems. Liberal democratic legal systems are the last remedy and guardian of those most fundamental values for human rights, while some content of Sharia Law is plainly incompatible with those basic values of liberal democracy. In that sense, the diversity of pluralist legal system cannot be accommodated, not to mention supported. I believe that my above analysis of diversity also applies to some other controversial or ambiguous "values", such, tradition, for instance.

[82] John Rawls, *Political Liberalism*, 194.

political conceptions of justice and to the forms of judgment and conduct essential to maintain fair social cooperation over time.[83] Thus, these values characterize the ideal of a good citizen of a democratic state, which is specified by the moral duty of public reason, and subsequently these values signify the direction that the transformative aspect of public reason aims to achieve.

VII. Conclusion

This chapter considers the last critique facing the consensus approach, the assurance critique: the consensus approach cannot ensure that everyone else in the political society will also honor fair terms of cooperation over time as I do. As this is a problem that applies to all public justification theories, the convergence approach also struggles to come up with an ideal response to that issue.

I gathered two types of solutions representing two divergent directions of the convergence approach. One solution aims to strive for an absolutist ideal which works for every individual member in the society, from the perspective of their comprehensive views. However, this solution is logically problematic as it is both at best inefficient, if not entirely unrealistic, and indeterminate in terms of convergent political decisions. Moreover, the convergence approach's other solution of public rules along with the threat of punishment also fails. On the one hand, such a solution cannot be categorically differentiated from the consensus approach's solution if the public rules are conceived of as moral rules, which is not acceptable for the convergence approach. On the other hand, regarding the threat of punishment as what makes collective cooperation plausible, it obscures the aspect of citizens willingly engaging in public life and recognizing political institutions as just.

I believe that the convergence approach's fundamental mistake is in treating public justification as essentially aggregated individual activity, while it fails to recognize the *inter homines* characteristic of public justification. The consensus approach deviates from the convergence approach's mistake on this vital point. It views the undertaking of public justification as a task for all of us together. Therefore, citizens shall be able to develop political conceptions providing common currency for a discussion that is shareable with every reasonable citizen. Public reasoning conducted this way is on the one hand robust

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[83] See ibid., 193-194. Rawls believes the reasoned opinions of the U.S. Supreme Court can be seen as such a political institution that can manifest the educative role of public reason. The judges "develop and express in their reasoned opinions the best interpretation of the constitution," which on the one hand "best fits the relevant body of constitutional materials" including precedents, on the other hand is justified "in terms of the public conceptions of justice" underscored by political moralities.

to changes in people's comprehensive doctrines in the society, and on the other hand leaves ample room for diversity-related claims so long as they do not at least conflict with important political values. In that sense, there is a transformative aspect to public reason which encourages the enhancement of liberal democracy by involving every reasonable citizen as an engaging party in such a transformation process. As long as the transformative force of liberal democracy works effectively over time, it will encourage the fair cooperative virtues of reasonable citizens in the political life, which fundamentally facilitates eradicating the root of defection from the cooperative scheme.

Conclusion

Returning to the question that was posed at the outset of the Introduction: How can free and equal citizens, who are deeply divided by conflicting (religious) disagreements, live together peacefully and endorse the same set of political principles in a constitutional democratic regime? This dissertation developed an answer to that question in six chapters.

I would like to present the reasoning that led to that answer by outlining the thirteen crucial steps taken in this dissertation, and offer a final reflection:

1. Religious disagreements pose a huge challenge to the legitimacy and stability of our political society. (Chapter Two)

2. The fact of reasonable pluralism leads us to search for a political solution to this challenge. (Chapter Two)

3. Secularism is such a political solution. (Chapter Two)

4. Secularism and atheism are distinct concepts; secularism does not necessarily entail any substantive view of religion. (Chapter One)

5. Secularism as a political principle includes liberty of conscience and the separation of state and religion; the latter is the most pressing issue, and the focus of this dissertation. (Chapter Two)

6. There are four different interpretations of the separation of state and religion, summarized in Separation-theses S1, S2, S2' and S3. (Chapter Two)

7. Thesis S1 and S2 are both too incoherent to be conclusive interpretations of the separation thesis. (Chapter Two)

8. For it to be legitimate, the separation of state and religion should be established upon *shareable* public reason (thesis S3). (Chapter Three)

9. Public reason secularism's (S3, the consensus approach) biggest rival, the convergence approach (supporting thesis S2'), launches four critiques—the subjectivism critique, the asymmetry critique, the integrity critique, the assurance critique—claiming that the shareability requirement of public reason is neither possible nor desirable. (Chapter Four to Six)

10. The convergence approach's four critiques do not stand up to careful scrutiny. (Chapter Four to Six)

11. Moreover, the convergence approach does not recognize the *"inter homines"* feature of public justification. (Chapter Six)

12. By contrast, the consensus approach helps to reinforce the civic virtues of liberalism. (Chapter Six)

226

13. Therefore, public reason secularism is the ideal political principle in a democratic political society with religious disagreements. (Chapter Three to Six)

Chapter One undertakes a preliminary issue: the confusion of secularism and atheism. By distinguishing secularism from atheism, it makes it possible to view secularism as a political doctrine. Chapter 2-6 addresses which model of secularism is publicly justifiable. The key debate here is that between the consensus approach and the convergence approach, and it centers on whether public reason should be *shareable* (Chapter 4 to Chapter 6). This debate on public reason's shareability directly determines whether religion could play any role in the public justification of political institutions. In other words, the debate on the shareability requirement dictates whether we should support thesis S3 or thesis S2'.

For those supporting the consensus approach, public reason must be shareable in the sense that citizens are able to explain their arguments to each other and vote on the basis of the political values of public reason when it comes to fundamental political questions. Their theoretical opponent, the convergence approach argues that public reason cannot nor should be shareable. They raise strong objections to the consensus approach. Their claim of the impossibility of shareable public reason, however, derives from a misunderstanding of the fact of reasonable pluralism. They claim that (1) the fact of reasonable pluralism already presupposes the unshareability of reasons (the subjectivism critique); (2) By the same token, they argue that public reason has no content as the fact of reasonable pluralism *also* entails the reasonable pluralism of political conceptions of justice (the asymmetry critique). The integrity critique follows from the convergence approach's objections to the desirability of shareable public reason for the stability of a political society. They indicate that (3) the requirement of shareable public reason, which in effect excludes religious arguments, imposes too heavy a burden which will result in a lack of moral motivation to honor such a requirement. Lastly, (4) the assurance critique holds that the shareability requirement of public reason will not keep citizens from defecting from social cooperation.

Nonetheless, these critiques are all unsuccessful. First, the convergence approach has stretched the fact of reasonable pluralism too far. The fact that it is reasonable for citizens to disagree with each other's comprehensive views is not tantamount to their acknowledgment of others' beliefs as also *justified*. Also, while it is reasonable for citizens to differ on conceptions of justice, this does not lead to public reason lacking any substance.

Admittedly, the convergence approach has its attractions in its aspiration of protecting each individual's integrity and counting everyone's reasons as equally important in the public deliberation. Nevertheless, it is not able to deliver on these promises. This is because the convergence approach wrongly assumes that the task of public justification is generating a convergent decision aggregated from every single individual in the political society, in which the "publicness" is eschewed. Instead, the consensus approach regards public justification as justifiable to all of us together. The consensus approach's identification of the nature of public justification employs the assumption that there are certain public goals that are shareable by all reasonable citizens and that trying to achieve them is the fundamental aspiration of justice.

The convergence approach and the consensus approach provide us with two different visions of justice. The vision of justice of the consensus approach is mainly embodied in a common public life, in which political institutions and social structures realize their public functions and provide public goods. To mention just a few: providing national defense, securing law and order, maintaining basic infrastructures, supplying public education, and so on. The realization of these functions requires well-informed citizens who are able to communicate with each other on common bases. By virtue of the integrity argument which envisions a public life shaped and defined by individual citizens' life projects, the convergence approach has indeed offered a challenge by questioning how much space the consensus approach's vision of justice leaves for individuals, while it has yet supplied its answers to a state's core functions. However, a just state cannot leave such questions to the disaggregated and uncoordinated decision-making of individuals. Justice should "identify the things that people value depend on extensive coordination and cooperation with another, and that one of the tasks of the state is to facilitate this coordination and cooperation."[1] The consensus approach's shareable public reason better corresponds to the practical operation of real politics. It is vitally important that public reason makes it rational for every reasonable citizen to explain and justify their preferred policies to a wider public. And it also facilitates reducing the social divisiveness of basic political institutions.

In this thesis, I argue that the reason that it is possible for all reasonable citizens to be able to share public reason is that reasonable citizens share the most fundamental political values of freedom, equality, and fairness, which constitute equal respect for people; the substantive basis of justice. The foundational commitment to equal respect in turn sets a limit to the fact of reasonable pluralism in the political sphere. Not only is the shareability requirement of public reason viable, it is also highly desirable. In employing

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[1] Alan Patten, "Public Good Fairness," unpublished.

shareable public reasons in the public discourse, citizens are able to "develop political conceptions in terms of which they can explain and justify their preferred policies to a wider public so as to put together a majority."[2] They are taking a constructive, engaging and critical attitude to the very political society that they live in together, which will over time promote liberal democracy and nourish the general civic culture of the political society.

To be sure, my defense of public reason secularism (thesis S3) does not establish that secularism on the basis of shareable public reason is the *only* justifiable form of secularism or that it will be accepted by all. No dissertation can achieve that, not within the scope of a dissertation at least. Nevertheless, I do hope that public reason secularism at least offers an attractive political vision for all reasonable citizens for now, and even more, for the future.

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[2] John Rawls, *Political Liberalism* (Columbia University Press, 1996) 165.

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Summary

Public Reason Secularism: A Defense of Liberal Democracy

This book is propelled by the following question: How can free and equal citizens who are deeply divided by conflicting (religious) disagreements endorse the same set of political principles in a constitutional democratic regime and live together peacefully? I propose an answer to that question, and it takes me six chapters to argue for it: the answer lies in the general endorsement of the political principle of "public reason secularism," comprised of liberty of conscience and the separation of state and religion. Particularly, the separation of state and religion that I argue for is a separation in the robust sense that religion ought to be excluded from the public sphere. That is to say, religious arguments should not play any role in public matters, especially in lawmaking.

In the first chapter, I draw an analytical distinction between secularism as a political principle about the relationship between state and religion and secularism as a view of religion *per se*. To my mind, the latter view mistakenly identifies secularism with atheism. In contrast with atheism, the secularism I defend in this book is a political concept. From the second chapter on, I begin to argue for it. Secularism, concerning the relationship between state and religion, is a constitutional principle; hence, its justification is a matter of political legitimacy. Due to the fact of reasonable pluralism, secularism cannot be established or built upon any *comprehensive* justifications. Instead, the justification of secularism should not be comprehensive but *public*, which means that it should be justified for all citizens in a democratic regime.

In chapter three, I present the justification for secularism built upon public reason shared by all reasonable citizens in a democratic society. Due to the fact of reasonable pluralism, the justification of political legitimacy requires that all reasonable citizens are expected to endorse an account of shareable public reason. This consists in a family of political conceptions supported by an overlapping consensus of reasonable comprehensive doctrines. Therefore, those comprehensive doctrines that cannot be shared, notably religious doctrines, are inescapably excluded from public reason. Therefore, the separation of state and religion as a constitutional principle ought to be formulated according to shareable public reason. This form of separation leads to the robust principle that religion should be excluded from the public domain. This approach, based on public reason, is referred as "the consensus approach".

Many critics believe that the separation of state and religion ought not to be so strict that the citizens are not allowed their liberty of conscience in this domain. They argue that when fundamental political matters are at stake, citizens should be permitted

to advocate and vote on the basis of religious reasons alone. Insofar as there is a convergence of rational support for political institutions from separate motivational standpoints of distinct individuals, we do not need a publicly shared reason underlying such a convergence, and hence no strict separation of state and religion is necessary. Therefore, I call the approach which advocates permitting personal standpoints, including religious ones, into politics "the convergence approach".

The convergence approach argues that public reason cannot and should not be shareable. They claim that (1) the fact of reasonable pluralism already presupposes the unshareability of human reasons (the subjectivism critique). By the same token, they argue that (2) any shareable public reason has no content because the fact of reasonable pluralism also entails the reasonable pluralism of political conceptions of justice (the asymmetry critique). The integrity critique follows from the convergence approach's objections to the desirability of shareable public reason from the perspective of the stability of a political society. And, the integrity critique indicates that (3) the requirement of shareable public reason, which in effect excludes religious arguments, is too much of a burden and will result in a lack of moral motivation to honor this requirement. Lastly, (4) the shareability requirement of public reason will not keep citizens from defecting from social cooperation (the assurance critique).

Nonetheless, these critiques are all unsuccessful. For one thing, the convergence approach has stretched the fact of reasonable pluralism too far. The fact that it is reasonable for citizens to disagree with each other's comprehensive views is not tantamount to their acknowledgement of others' beliefs as also justified. Also, it is reasonable for citizens to differ on conceptions of justice, which nevertheless does not lead to the emptying out of public reason. Admittedly, the convergence approach has its attractions in its aspiration of protecting each individual's integrity and counting everyone's reasons as equally important in public deliberation. Nevertheless, it is not able to deliver the goods. This is because the convergence approach wrongly assumes that the task of public justification is the generation of a convergent decision aggregated from every single individual in the political society, in which the "publicness" is eschewed. Instead, the consensus approach regards public justification as justifiable to all of us together. The consensus approach's identification of the nature of public justification employs the assumption that there are certain public principles that are shareable by all reasonable citizens, which is the fundamental aspiration of justice.

The convergence approach and the consensus approach provide us with two different visions of justice. The vision of justice of the consensus approach is largely embodied in a common public life, in which political institutions and social structures perform their public functions and provide public goods. To mention just a few: national

defense, law and order, basic infrastructure, public education, and so on. The realization of those functions requires well-informed citizens who are able to communicate with each other on a common basis. By virtue of the integrity argument, which envisions a public life shaped and defined by individual citizens' life projects, the convergence approach has indeed offered a challenge by questioning how much space the consensus approach's vision of justice leaves for individuals. However, the public life that the convergence approach envisions is constituted of the disaggregated and uncoordinated decision-making of individuals. Yet a state's core task is to identify the things that people value, as they are relevant to extensive coordination and cooperation with each other, and to facilitate this coordination and cooperation. The consensus approach's shareable public reason better corresponds to the practical operation of real politics. It is vitally important that public reason makes it rational for every reasonable citizen to explain and justify his preferred policies to a wider public.

In this thesis, I argue that the shareability requirement of public reason is not only viable, it is also highly desirable. In employing shareable public reasons in public discourse, religious doctrines are excluded from the public justification of legislative proposals. Hence, the separation of state and religion should be maintained in the robust sense of "public reason secularism".

Samenvatting (Dutch Summary)

Publieke Rede Secularisme: een Verdediging van Liberale Democratie

Dit boek wordt aangedreven door de volgende vraag: Hoe kunnen vrije en gelijkwaardige burgers, die diep verdeeld zijn door tegenstrijdige (religieuze) meningsverschillen, dezelfde politieke beginselen onderschrijven in een constitutioneel democratisch regime en vreedzaam samenleven? Ik beantwoord deze vraag in zes hoofdstukken: het antwoord ligt in de algemene goedkeuring van het politieke principe van "publieke rede secularisme", bestaande uit gewetensvrijheid en de scheiding van staat en religie. Met name de scheiding van staat en religie waar ik voor pleit, is een scheiding in de robuuste zin dat religie buiten de publieke sfeer zou moeten blijven. Dat wil zeggen dat religieuze argumenten geen rol mogen spelen in publieke aangelegenheden, vooral niet bij het maken van wetten.

In het eerste hoofdstuk maak ik een analytisch onderscheid tussen secularisme als een politiek principe inzake de relatie tussen staat en religie, en secularisme als een opvatting van religie als zodanig. Naar mijn mening identificeert deze laatste opvatting ten onrechte secularisme met atheïsme. In tegenstelling tot atheïsme is het secularisme dat ik in dit boek verdedig een politiek concept. Dit beargumenteer ik in het tweede hoofdstuk. Secularisme, betreffende de relatie tussen staat en religie, is een constitutioneel principe; vandaar dat de rechtvaardiging ervan een kwestie van politieke legitimiteit is. Vanwege het redelijk pluralisme kan secularisme niet worden vastgesteld of gebouwd zijn op een *alomvattende* rechtvaardiging. In plaats daarvan moet de rechtvaardiging van het secularisme niet alomvattend maar *publiek* zijn, wat betekent dat het gerechtvaardigd moet zijn voor alle burgers in een democratisch regime.

In hoofdstuk drie presenteer ik de rechtvaardiging voor secularisme gebouwd op de publieke rede, welke gedeeld wordt door alle redelijke burgers in een democratische samenleving. Vanwege het redelijk pluralisme zal de rechtvaardiging van politieke legitimiteit worden bereikt op voorwaarde dat van alle redelijke burgers wordt verwacht dat zij een verklaring van een *deelbare* publieke rede goedkeuren. Dit maakt deel uit van een familie van politieke opvattingen, ondersteund door een overlappende consensus van redelijke veelomvattende doctrines. Daarom zijn de alomvattende doctrines die niet kunnen worden gedeeld, met name religieuze doctrines, onvermijdelijk uitgesloten van de publieke rede. Derhalve zal de scheiding van staat en religie als een constitutioneel beginsel geformuleerd worden op basis van een deelbare publieke rede. Deze vorm van scheiding leidt het principe tot het robuuste gevoel dat religie uitgesloten zal worden van het publieke domein. Deze benadering, gebaseerd op de publieke rede wordt "de

consensusbenadering" genoemd.

Veel critici zijn van mening dat de scheiding van staat en religie niet zo strikt zou moeten zijn dat de burgers in dit domein geen vrijheid van geweten wordt toegestaan. Zij beweren dat wanneer fundamentele politieke zaken op het spel staan burgers op grond van alleen religieuze redenen mogen argumenteren en stemmen. Voor zover er een convergentie is van rationele steun voor een bepaalde institutie vanuit verschillende motiverende standpunten van afzonderlijke individuen, hebben we geen publiekelijk gedeelde rede nodig die aan dergelijke convergentie ten grondslag ligt, en derhalve is een strikte scheiding van staat en religie niet noodzakelijk. Daarom noem ik de aanpak die pleit voor het toestaan van persoonlijke standpunten, inclusief religieuze, in de politiek "de convergentiebenadering".

De convergentiebenadering stelt dat de publieke rede niet kan en niet deelbaar zou moeten zijn. Zij beweren dat (1) het feit van redelijk pluralisme reeds de ondeelbaarheid van menselijke redenen veronderstelt (de subjectivisme-kritiek); (...) (2) Evenzo beweren zij dat enigerlei deelbare publieke rede geen inhoud heeft omdat feitelijk rationeel pluralisme tevens het rationeel pluralisme van politieke concepties van rechtvaardigheid omvat (de asymmetrische kritiek). De integriteitskritiek komt voort uit de bezwaren vanuit de convergentiebenadering op de wenselijkheid van deelbare publieke rede, vanuit het perspectief van de stabiliteit van de politieke orde. Zij geven aan dat (3) het vereiste van een deelbare publieke rede, hetgeen in feite religieuze argumenten uitsluit, een te groot bezwaar vormt en zal resulteren in een tekort aan morele motivatie om dit vereiste recht te doen. Ten slotte, (4) het deelbaarheidsvereiste van de publieke rede zal niet voorkomen dat burgers nalaten sociale samenwerkingsverbanden aan te gaan (het zekerheidsvereiste).

Evengoed boeken al deze kritieken geen succes. Ten eerste rekt de convergentiebenadering het feitelijk rationeel pluralisme te ver op. Het feit dat het redelijk is dat burgers geen overeenstemming bereiken aangaande elkanders alomvattende visies, betekent niet dat hun erkenning van elkanders geloofsovertuigingen ook gerechtvaardigd is. Ook is het aannemelijk dat burgers verschillen in hun rechtvaardigheidsconcepties, hetgeen echter niet leidt tot het uithollen van de publieke rede. Toegegeven, de convergentiebenadering heeft haar aantrekkingskracht waar het gaat om de aspiratie om de integriteit van ieder individu te beschermen, en waar zij ieders redenering als even belangrijk acht in publieke deliberatie. Toch overtuigt men niet. Dit komt omdat de convergentiebenadering ten onrechte aanneemt dat het doel van publieke rechtvaardiging is om een convergent besluit te genereren, geaggregeerd uit elk individu uit de politieke samenleving, waarin het "publieke" wordt geschuwd. In plaats daarvan beschouwt de consensusbenadering publieke rechtvaardiging als rechtvaardigbaarheid

naar ons allen tezamen. De manier waarop in de consensusbenadering de identiteit van publieke rechtvaardigbaarheid wordt vastgesteld, gaat uit van de aanname dat er zekere publieke principes zijn waarmee alle redelijke burgers kunnen instemmen, hetgeen het fundamentele doel van rechtvaardigheid is.

De convergentiebenadering en de consensusbenadering verschaffen ons twee verschillende visies op rechtvaardigheid. De visie op rechtvaardigheid van de consensusbenadering bestaat grotendeels uit een gemeenschappelijk publiek leven, waarin politieke instituten en sociale structuren hun publieke functies vervullen en publieke goederen verschaffen. Enkele voorbeelden zijn: nationale verdediging, recht en orde, basale infrastructuren, publiek onderwijs, et cetera. De realisatie van zulke functies vereist goedgeïnformeerde burgers die in staat zijn om met elkander te communiceren op een gemeenschappelijke basis. Krachtens het integriteitsargument, dat een publiek leven gevormd en gedefinieerd door de levensprojecten van individuele burgers voorstelt, heeft de convergentiebenadering inderdaad een uitdaging opgeworpen door te bevragen hoeveel ruimte de visie op rechtvaardigheid van de consensusbenadering voor individuen laat. Echter, het publieke leven dat de convergentiebenadering voorstelt bestaat uit gedesaggregeerde en ongecoördineerde besluitvorming van individuen. Nochtans is het een kerntaak van een staat om de dingen die mensen waarderen, afhankelijk van extensieve coördinatie en coöperatie met elkander, te identificeren, en om deze coördinatie en coöperatie te faciliteren. De deelbare publieke rede van de consensusbenadering stemt beter overeen met de praktische werking van echte politiek. Het is van essentieel belang dat de publieke rede het rationeel maakt voor ieder redelijk burger om zijn geprefereerde beleid uit te leggen aan, en te rechtvaardigen richting een groter publiek.

In deze dissertatie betoog ik dat het deelbaarheidsvereiste van de publieke rede niet alleen haalbaar, maar ook hoogst wenselijk is. Door de deelbare publieke rede in het publieke discours te hanteren worden religieuze doctrines uitgesloten van de publieke rechtvaardiging van wetsvoorstellen. Zodoende zou de scheiding van kerk en staat moeten worden gehandhaafd in de robuuste betekenis van "publieke rede secularisme".

CURRICULUM VITAE

Tu Zhang (Zhenjiang, 26 May 1987) took her bachelor degree of Law at China University of Political Science and Law. Tu Zhang also took her LL.M. in Jurisprudence at China University of Political Science and Law.

Since 2013, Tu Zhang has been a Ph. D Candidate in Jurisprudence at Leiden University in the faculty of Law. She had been a blogger on Leidenlawblog since 2013 till 2017. In addition, she also spent almost ten months (September 2016- July 2017) as a VSRC (Visiting Student Research Collaborator) at Princeton University, the faculty of Politics. Tu Zhang has a research background of legal philosophy especially analytical jurisprudence. Currently, she is doing research on secularism, political liberalism, public reason, and religious liberty.

Since 2014, Tu Zhang has presented her papers on conferences including: Workshop of *Religious-Right, Secularism and Civil Rights*, London, October 11th-12th, 2014; Workshop of *The Future of Human Rights: History, Norms & Institutions*, Utretcht University, Utretcht, May 27th- 29th, 2015; *XXVII World Congress of the International Association for the Philosophy of Law and Social Philosophy*, Washington DC, July 27th-August 1st, 2015; Public Reason Workshop, Wuhan University, May 4th-5th, 2018. Her presentation at IVR Congress was also published by Franz Steiner Verlag in 2016, entitled "Is the Right to Identity a Fundamental Human Right?"