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Public reason secularism : a defense of liberal democracy

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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

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 Reason⁴ for Public Justification of Political Legitimacy

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

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.

public 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

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,

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

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

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.

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.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,

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.

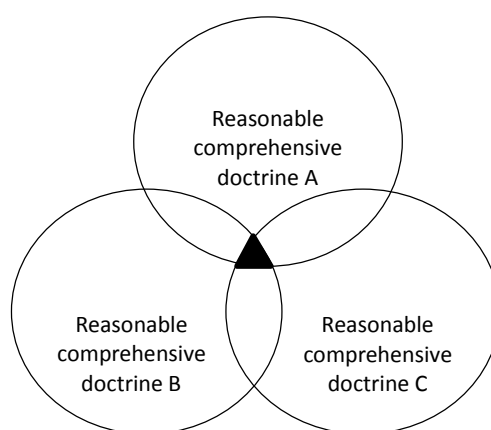
³¹ See John Rawls, *Political Liberalism*, 139.

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.



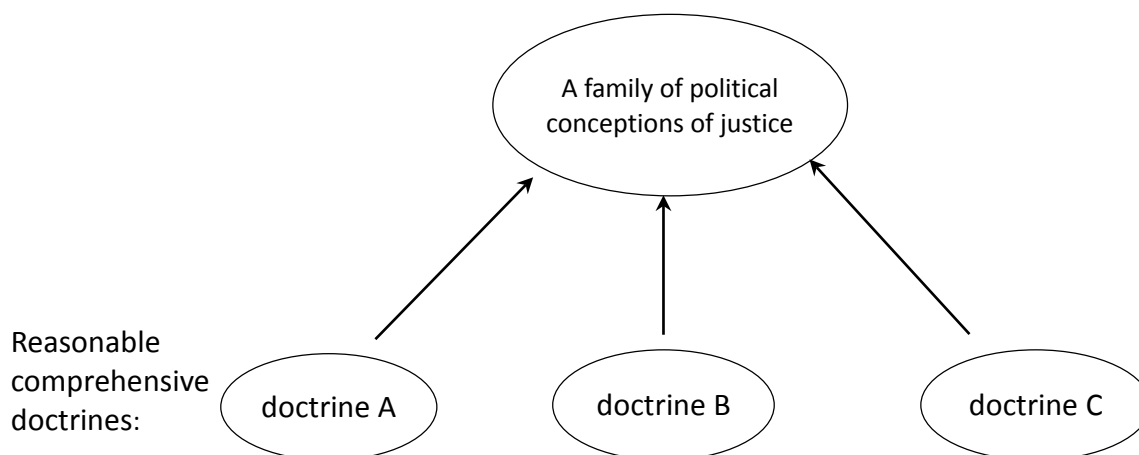
³³ See *ibid.*, 224.

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*)



(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

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

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

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

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 hypothetical example in which the United States decides to invade Afghanistan, and American citizens can support this decision on

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.

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

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 reciprocity⁷² 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

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

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

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

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 reasons. 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

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

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.*

political power can be appropriately 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

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

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

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

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 or 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

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

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

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.