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Public reason secularism : a defense of liberal democracy

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Chapter Five: Defeating the Integrity Critique

I. Introduction

In the last chapter, I presented the convergence approach's four major critiques of the shareability requirement of public reason. They are concerned with two aspects: the plausibility and desirability of the shareability requirement, and each aspect includes two specific critiques. I discussed the first aspect of the convergence approach's critiques: the plausibility of shareable public reason. The convergence approach argues that, due to the fact of reasonable pluralism, human reasons are bound to be unshareable by nature (the subjectivism critique). Consequently, conceptions of justice are also too profound and divided to be shareable, so that the content of public reason cannot be fulfilled by an overlapping consensus of reasonable comprehensive doctrines (the asymmetry critique). I argued that these two critiques are both untenable. The standard of public justification can be objective enough in the political realm, thus the subjectivism critique is a farfetched inference of reasonable pluralism. Moreover, the limit of reasonable pluralism is actually placed by a fundamental commitment to justice, manifested by the core values of freedom, equality, and fairness. This limit of reasonable pluralism also determines that disagreements about justice are, as a matter of fact, the expected interpretations of justice.

This chapter is going to consider the convergence approach's first critique of the desirability aspect of shareable public reason. They argue that the consensus approach has inflicted on citizens excessive burdens and discouraged their following the moral duty of respecting the shareable public reason (the Integrity Critique). The essence of this critique is mainly embodied in the argument of integrity. The integrity argument states that the shareable public reason requirement has cut off citizens' ultimate moral and religious convictions, thereby damaging their integrated existence by obstructing the invocation of their moral and religious convictions into public reason and justification. Moreover, such a requirement prevents religious citizens from adequately participating in democracy and even infringes upon their religious liberty. The convergence approach furthermore points out that the integrity argument not only illustrates the consensus approach's undesirability, it also reveals its own corresponding desirability. Contrary to the consensus account, the convergence approach believes that integrity is a foundational value in public reason, and its inclusive approach of allowing all points of views into public reason preserves citizens' integrity and freedom in the political society.

With respect to the integrity critique, I will argue that the requirement of shareability of public reason does not harm citizens' integrity, as it by no means requires citizens to

denounce their most fundamental moral and religious convictions. Furthermore, I will distinguish between “full participation” and “unrestricted participation”, as was originally done by Robert Audi to explain how a religious citizen can participate in politics unrestrictedly but not fully, and *vice versa*. Additionally, since such a requirement of shareable public reason is not a legal duty but a moral duty, it leaves citizens’ religious liberty and their freedom in general intact. Therefore, these rebuttals will largely clear the integrity charge that the convergence approach raised against the consensus approach. Moreover, I will argue that not only does the convergence approach fail to undermine the consensus account, but also that it fails to accomplish its theoretical aspiration in safeguarding individual integrity, thus it ceases to be a promising approach.

In the second section, I will begin to unfold the integrity critique. In the third and fourth sections, in defense of the consensus approach, I will argue that such an argument does not truly undercut the efficacy of the consensus approach’s account of citizens’ moral duty. Completing the defense for the consensus approach regarding the integrity critique, the fifth section will illustrate the groundlessness of the convergence approach’s claim of integrity, namely why the convergence approach itself also fails to fulfill its goal of sustaining citizens’ integrity in the political society. In Section Six, I will consider a critique related to the integrity critique which argues that the exclusion of nonpublic reason in public deliberation is unfair.

II. The Convergence Approach’s Integrity Critique: Citizens’ Lack of Moral Motivation

The Integrity Critique claims that the consensus account of public reason has imposed too onerous a burden on citizens, especially religious citizens. According to the consensus approach, citizens are asked to refrain from invoking their own moral and religious convictions in public reason and justification. Therefore, it might encroach upon their integrated existence, and it also infringes on their freedom. Contra the consensus conception, the convergence approach has its intuitive practical attractions to religious citizens. The convergence conception incorporates all comprehensive reasons held by citizens into public reason in the public discourse, which allows religious citizens to participate in political debates with their religious arguments. The convergence approach believes that it secures citizens’ individual integrity and hence helps them fulfill their freedom in the political society. The convergence approach thus develops an essential integrity argument, which mainly claims that: (1) shared public reason damages religious citizens’ integrated existence; and (2) it prevents them from democratically participating in politics and (3) more seriously, it encroaches upon citizens’ religious liberty.

2.1 The Integrity Critique & the Claim of Integrity¹

Nicholas Wolterstorff criticizes the consensus approach's requirement that of shareable public reason demands religious citizens to refrain from invoking religious arguments in the public discourse, constituting serious damage to religious citizens' integrated existence and their identity. Wolterstorff endorses the convergence approach since it protects every citizen's particularity. According to the convergence conception, we can advance different reasons to different citizens as they see them as persuasive. Wolterstorff believes that it is each person's own "moral and religious perspective that leads her to articulate the ethic of the citizen in a liberal democracy."² A religious person inexorably bases her decisions concerning fundamental issues of justice on her religious convictions. And even when a person plays the role of a citizen, it is still impossible for her to "leap out her perspective" as there is no "adequate independent source".³ For a religious person, the endeavor to achieve integrated personhood is not an option but a necessity.

Likewise, Jeffrey Stout also understands the consensus conception of public justification as an impairment to religious people's integrity and, furthermore, as an impediment to their expressive freedom. The true respect for others, as Stout sees it, is "most fully displayed in the kind of exchange where each person's deepest commitments can be recognized and assessed for what they are properly."⁴ Stout points out that the trouble with the consensus conception is that it "underestimates the role of a person's

¹ In this chapter, I use "integrity", "identity" and "integrated existence" interchangeably. The integrity argument also has some related variations, such as the truthfulness argument, the fairness argument and so on. In this chapter, I crystalize these related arguments as the integrity argument.

The exclusion of comprehensive moral and religious convictions is also an exclusion of citizens' most profound understanding of truth. It nevertheless expresses a more general concern about the political approach of secularism, which I have already mentioned in my second chapter. Besides, it is probable that religious citizens may feel it is unfair to them since it is religious reasons and arguments that are excluded from public reason, and so it may seem that the consensus approach unfairly prefers secular perspectives over religious ones. However, a shareable requirement itself involves nothing about the dichotomy between secular and religious perspectives; it is just that religious reasons are fundamentally unshareable for a general citizenry. Even the religious critic Philip Quinn acknowledges that this political liberal approach is fair for religious reasons. See Philip Quinn, "Political Liberalisms and Their Exclusions of the Religious", *Proceedings and Addresses of the American Philosophical Association* 69 ((1995): 42.

² Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues", in Robert Audi & Nicholas Wolterstorff, *Religion in the Public Square: the place of religious convictions in political debate*. (Maryland: Rowman& Littlefield Publishers Inc.1997) 113.

³ Ibid.

⁴ Jeffery Stout, *Democracy and Tradition* (Princeton: Princeton University Press 2004)10.

collateral commitments in determining what he or she can reasonably reject when deciding basic political questions.”⁵ In order to understand a person, seeing his wider cultural and communal surroundings, including his religious convictions as a horizon (which Wolterstorff calls perspective and Stout calls collateral commitment), is vitally significant. The full definition of one’s identity or existence therefore involves references to a defining horizon. As Charles Taylor states:

“My identity is defined by the commitments and identifications which provide the frame or horizon within which I can try to determine from case to case what is good, or value, or what ought to be done, or what I endorse or oppose.”⁶

That is to say, people’s self-definition and their conceptions of the good are inseparable from their own horizons, which are constituted by many other people. To be specific, our horizon—the meanings we project onto the world around us—is the result of a lifelong education, or disciplining, or socialization, by other people. These other people thereby become constitutive of our horizon.⁷ It is a classical Hegelian vision of self-consciousness. Simply put, it is impossible for one individual to understand herself without interaction with and recognition of another individual. We become self-conscious of ourselves from others, and we gain our freedom also because of it.

A person’s horizon varies a great deal from person to person, including his values, religious judgments, and conceptions of good. Stout points out that it is impossible to expect that political issues, even fundamental political questions (such as “constitutional essentials and questions of basic justice” in the Rawlsian sense) will not be influenced by individual particularities.⁸ Along with Wolterstorff, Stout believes that the real way to show respect to another also largely lies in the respect for distinctive point of view, namely, her individuality or “particularity”.⁹ However, the consensus approach requires a shared common basis of reasoning in principles, which counters the fact that the reason we have is located in our individual horizons. Therefore, Stout sides with the convergence approach’s public justification conception.¹⁰

⁵ Ibid., 70.

⁶ Charles Taylor, *Sources of The Self: the making of the modern identity* (Cambridge: Harvard University Press, 1989) 27.

⁷ I thank Arie-Jan Kwak for the elaboration on this point.

⁸ Jeffery Stout, *Democracy and Tradition*, 70.

⁹ Ibid., 72.

¹⁰ Stout, however, departs from Wolterstorff in the aspect that Stout does not believe one’s collateral commitment is primarily determined by one’s “consocial” or group environment. Stout believes that a

Wolterstorff and Stout's arguments have illustrated why they believe that religious citizens' integrated existence will be severely undermined by the consensus conception. As for the fundamental significance of a person's integrity or identity, apart from recognition from others—which is what respect for people entails—Taylor also points out that it assists our self-understanding. For Taylor, selfhood or personhood is mainly what distinguishes humans from other beings like animals, while identity is a feature of the substantive content of selfhood.¹¹

Moreover, apart from criticizing the consensus approach's failure in cutting off citizens' integrated existence, the convergence approach also makes a positive claim. As they respect the value of integrity, they claim that their approach overcomes a severe deficiency of the consensus approach, and therefore offers a more promising alternative. The convergence approach links the value of integrity with the principle of public justification. Vallier claims that "respect for integrity" and "respect for reasonable pluralism" are the foundational values in public reason. It is these two foundational values that account for the basis of public justification, and also "shape the structure of law ratified by public justification".¹² From the perspective of grounding the public justification, Vallier identifies the root of public justification with the recognition that living in accordance with my own projects and principles is a fundamental right.¹³ Therefore, "when coercion is publicly justified, it no longer restrains persons' actions in ways they find objectionable".¹⁴ Regarding the second function, public justification entails that coercion must be acceptable for each citizen; the public justification principle is therefore meant to "respect each person's point of view", which is "bound up with their integrity".¹⁵ Echoing what Taylor and other Hegelians argue, it is the value of integrity that shapes our options, preferences, and life projects. "Integrity carves out social space for each person to pursue her projects and act in concert with her

person's exposure to culture or influences from outside his group also constitute to his identity or individuality. One would fail to express respect for another "if one assimilates his view to some form of group thinking." Therefore, the differences setting off one community from another are not only differences that make a difference in political debate. "There are also differences that set off individuals from the communities in which they were raised or with which at some point they become affiliated." See *ibid.*, 74-75.

Paul Cliteur brings to my attention that Stout's image of a Socratic dialogue is actually not apt. Socrates was a ruthless rationalist, who would have no time for people who advance reasons that he could not understand and critically analyze.

¹¹ Charles Taylor, *Sources of The Self: the making of the modern identity*, 33-34.

¹² See Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Routledge, 2014) 85.

¹³ See *ibid.*, 86.

¹⁴ *Ibid.*, 87.

¹⁵ *Ibid.*, 88.

principles.”¹⁶ Integrity-based reasons thus serve as the most secure foundation and “robust defeaters” against “a whole host of competitor reasons”; and by the same token, “for a wide range of laws”.¹⁷ Therefore, the convergence approach makes a claim that is on the exact opposite of the consensus approach, the claim of integrity, which protects citizens’ integrity in the political sphere.

Let me abstract the following propositions to sum up the integrity argument’s line of critiques of the consensus approach:

- p(1) As a moral person, one needs to fully understand oneself.
- p(2) A full self-understanding is a person’s understanding of their particular integrated existences inhabiting their horizon or collateral commitments which include their fundamental moral and religious convictions.
- p(3) Due to the varieties of every one’s horizon or collateral commitments, every individual has their own particularity.
- p(4) Expressing selves or respecting other moral persons is recognizing their individuality or particularity.
- p(5) Therefore, a true expression of respect is manifested in recognizing everyone’s individual integrated existence, including their deepest moral and religious convictions.
- p(6) One’s political existence is also embedded in one’s integrated existence; therefore it is impossible for one to step out of their integrated horizon in political matters. In other words, the pursuit of one’s integrated existence is a necessity rather than an option.
- p(7) Therefore, political issues should be decided in light of one’s integrated existence, including one’s own fundamental convictions.
- p(8) The consensus conception’s requirement of shared public reason in political discourse, however, requires religious citizens to exclude their most fundamental convictions,¹⁸ namely their religious points of view.
- p(9) For religious citizens, excluding their most fundamental religious convictions from the political discourse is breaking down their integrated existence.

Hence, the first outcome for religious citizens is:

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ We have to be careful here that the exclusion of religious points of views from public reason is not just the exclusive version; it also includes the inclusive version of public reason. Inclusive public reason still excludes those comprehensive views which cannot be supported by political values and principles.

Outcome A: The consensus conception breaks down religious citizens' integrated existence.

Due to the constraint brought about by the consensus approach, the convergence account claims that either citizens cannot act on what truly motivates them, or they have to "bear the costs of being alienated from some sectors of their society"¹⁹, most likely from their own religious communities, for instance, recognition, fraternity, and mutual understanding, among others. If religious citizens receive a message from the society that "acting on religious reasons in the public sphere is considered inappropriate or immoral," some of them probably "will be less inclined to act in accordance with their religious identities for the fear" of social pressure or public condemnation.²⁰ Yet a citizen as a social being craves recognition from those with whom he associates and feels belonging. Such a yearning could be so strong that a religious citizen may suffer from the difficult struggle between the loss of fraternity with his most intimate social relations and the danger of being subject to public condemnation.

2.2 Restraints on Citizens' Freedom in Democratic Societies

The integrity argument is established upon a basic presumption about personhood which is beyond reproach, consisting of p(1) to p(5): every human being deserves to be fully respected by others for who they are.²¹ The preservation of their integrated existence is also undeniably a part of "respecting others as who they are". The core claim of the integrity argument, the articulation of one's integrated existence in liberal democracy starts from p(6) on. According to this line of reasoning of the integrity argument, the first undesirable outcome of the consensus conception is that it splits the identities of religious people.

Stout thinks that the consensus conception's shared public reason is in tension with democratic citizens' liberty of free expression. Stout believes that all democratic citizens have the freedom "to express whatever premises actually serve as reasons for their claims."²² It is a specific and practical criticism, and Stout's critiques stem from Hegel's criticism of Kantian moral epistemology. To begin with, Stout argues that the whole

¹⁹ Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation*, 62.

²⁰ Ibid.

²¹ There is some limitation, of course, in that we don't respect a thief for his thieving behavior or a murderer for his murderousness, etc. I thank Paul Cliteur for pointing this out to me.

²² See Jeffery Stout, *Democracy and Tradition*, 10.

paradigm of public justification is still attributed to the same category of Kant's model, which is hardly a model that every reasonable citizen is expected to endorse.²³ For example, "Hegel believes Kantian preoccupation with universally valid principles epistemologically naïve" and the political liberal evaluative criterion of reasonableness too static.²⁴ Hegel believes that social and political norms are creations of social practices which are always in a process of unfolding transformation in time.²⁵ According to the Hegelian paradigm, unlike the reasonable persons in the Kantian paradigm, reasonable individuals do not merely *statically* agree to rules that everyone else agrees but are always "prepared to engage in discursive exchanges with any point of view that they can recognize as responsibly held".²⁶ That is the reason that individuals' free expression is of much importance for us as these exchanges involve an "improvisational and immanent" expression of one's own point of view, which fundamentally shapes our social practices and consequently our social rules.²⁷ To that extent, free expression is seen as a celebration of "democratic individuality as a positive good."²⁸ Stout emphasizes that "to take expressive freedom seriously is to see our capacity to engage in reasoning... as something that cannot be captured *definitively* in the mere *application* of rules that no reasonable person could reasonably reject."²⁹ As a result, the consensus conception which breaks down religious people's integrity also prevents them from acting on their convictions in the political domain, the vital domain of life. Stout argues that we should accept the convergence conception "to reason from widely justifiable premises in the political arena."³⁰ Therefore, this harm to religious people's integrity has in effect unduly constrained their democratic participation in political life. Either they cannot act on what truly motivate them, or they have to bear the costs of being alienated from some sectors of their society. It is also a practical concern that citizens should be able to fully participate in politics according to their own viewpoints. Paul Weithman claims that citizens should be allowed to participate in public life, in most cases voting,

²³ Ibid., 78.

²⁴ Ibid., 78, 80.

²⁵ Ibid., 79.

²⁶ Ibid., 80.

²⁷ Ibid.

²⁸ Ibid., 84. This advancement of free expression is also the positive freedom that Isaiah Berlin brought to revived emphasis in the paper "Two Concepts of Liberty".

²⁹ Ibid., 80. Italic added by me.

³⁰ Ibid., 82. Stout also believes that Hegelian arguments suffice to abandon contractarianism altogether. According to Hegelian epistemology, "normative concepts are not located at the contractual level and applied on the basis of the constitutive contract." Rather, "they are in the process of mutual recognition" in which individuals respect each other's individuality and conduct the exchanges of reasons.

according to their own concerns and what matters to them the most. When they vote for public candidates, the votes should be based on candidates' positions on public issues or what is of most importance to them.³¹ Weithman argues that the right attitude requires "not that there be one ground... which all can affirm, but that for each person there be some ground for them that they can affirm."³² For example, some citizens view the value of family as the most important issue; some are more concerned with the equality of women; while some may have more of an interest in environmental and animal welfare. There is nothing wrong with them converging on liberal democracy from differing perspectives.³³

Therefore, the second undesirable outcome of the integrity critique is stated as:

Outcome B: The consensus conception's requirement of shared public reason also results in restricting religious citizens' full participation in democratic societies.

A related but harsher criticism of the consensus approach is that its refusal to allow religious reasons and religious arguments into public deliberation not only damages religious citizens' positive freedom in a democracy, but that it also curtails their religious freedom. Religious liberty is a fundamental constitutional right, according to which one is able to act on one's beliefs to the extent of holding the beliefs and participating in religious practice, i.e., worship. Therefore, if, for instance, citizens are told that they should not rely on their religious beliefs to vote for the candidates they prefer, this is a serious constraint on the free exercise of their religion. Subsequently, the third undesirable outcome derived from the integrity critique is:

Outcome C: Restricting religious citizens in referring to their religious beliefs in democratic engagement particularly invades their religious liberty.

To sum up, these nine propositions from the integrity argument have made a compelling case against the consensus conception. Three unpleasant outcomes follow: 1) by virtue of asking religious citizens to shelve their deepest religious convictions in the political discourse, the consensus conception is fundamentally at odds with this precious ideal of holding a person's integrated existence together. Worse still, the consensus conception

³¹ Paul Weithman, *Religion and the Obligations of Citizenship* (Cambridge: Cambridge University Press, 2004) 216-217.

³² *Ibid.*, 216.

³³ *Ibid.*, 217.

also 2) at a more general level, curtails religious citizens' freedom to participate in a democratic society as citizens and 3) especially curtails their religious freedom. To protect citizens, especially religious citizens, from these consequences, the critics suggest a rejection of the consensus conception and advocate for the convergence approach, which could protect citizens' integrity.

III. Defeating the Integrity Critique

As powerful as the integrity argument's critiques are, I nevertheless believe they are mistaken.³⁴ A valid defense for the consensus approach against the convergence approach's integrity argument needs to consider and rebut those three undesirable outcomes one by one. First of all, I will argue that the respect or recognition of one's integrity or identity is not a predominant ideal that directs one's decisions in every matter of life. Secondly, the consensus conception's requirement of shared public reason does not damage religious citizens' integrated existence. Thirdly, contra outcome B, the consensus conception is the one encouraging citizens' full participation in democracy. Last but not least, unlike outcome C, the shareable public reason requirement does not infringe upon religious citizens' religious liberty. In this current and the following section, I will take on these three points respectively.

³⁴ Brian Barry argues that it is a mistake of political liberalism to come up with a plausible account explaining why citizens' sense of justice is congruent with their conceptions of good. Barry argues that the sense of justice alone is enough to motivate citizens to participate in a stable polity in a democratic society. For Barry's critique, see Brian Barry, "John Rawls and the Search for Stability," *Ethics* 105 (1995): 874–915.

Barry's critique has shown that he adopts a moral internalist account of moral motivation which says that moral reasons alone can motivate people's actions, and moral desires are not needed. Internalism, externalism, and the Humean account are all explanations of the link between moral judgment and moral motivations. Internalism argues that moral judgment suffices for moral motivation, while externalism believes that it is the desire that really motivates moral agents' actions, and the Humean account argues for the combination of moral judgment and desire. For the divergence of moral internalism, externalism, and the Humean account in moral psychology. See Michael Smith, *The Moral Problem*, (Blackwell Publishing, 1994) Chapter 4.

It appears that since Barry's critique has illuminated a divergence between two accounts of moral motivation, moral internalism and externalism, in order to address his critique properly, political liberals have to take a stand between these two accounts. However, the fact of reasonable pluralism implies that moral motivation is also subject to reasonable disagreements, thus the disagreement of what really explains moral motivation is just as profound for political liberalism to settle. (It appears that Rawls adopted a weak externalism in this regard, which does not matter nonetheless.) Nevertheless, I believe it is because the arguments with respect to the sense of justice already suffice for those moral internalists, whereas a full range covering this issue needs to take into account those who are not swayed by moral internalism. But of course a full examination of this matter exceeds the scope of this thesis.

3.1 Integrity: Not a Trumping Ideal

As previously pointed out, the key claim of the integrity argument is p(6): the inseparability of one's political existence from one's individual existence. Since it is a necessity for one to search for and preserve one's integrity, it is impossible for one to step out of one's integrated horizon and into some sort of independent source when it comes to making political decisions. However, I argue that keeping a moral person's integrated existence intact is not the most important value that we aim to uphold.

My argument consists of three complementary parts. First of all, it is not certain that one's collateral commitments or horizon is actually integrated in harmony. The argument of integrity is fundamentally established upon a too demanding coherentist assumption of human nature and reason for practical actions. It supposes that we are consistently integrated human beings, thus, for one thing, there will not be inner conflicts within our identities, and for another, our actions will be consistent with our identities. For instance, if I hate liars, I will never tell a lie. Or if I am a pacifist, I will oppose any war. This epistemological assumption of human nature seems fair and sensible. When we meet someone new, some knowledge of her past stories and her background seem to be a short cut to assist us to know this new person and predict her future reactions to some matters. In a football match, it is also how a goalkeeper prepares for penalties: by attacking the player's usual scoring angle. However, in real life, we often find ourselves trapped in inner conflicts with regard to our own self-definition. For example, a black Christian heterosexual male and a white Jewish homosexual female may find themselves cornered in rather confusing and unintegrated horizons. Secondly, we also may do things that are inconsistent with our identities, and we do not always act consistently with our history. Romeo falls in love with Juliette, the girl of his family feud who he is supposed to hate. Likewise, a member of a primitive Inuit group may refuse to eat seafood. A girl from a traditional family values community may refuse to even get married and have a family at all. A boy raised Muslim could decide to become an atheist when he grows up. A determined Roman Catholic may end up supporting her friend's homosexual marriage. These imaginary scenarios where self-contractions take place are all perfectly probable, and they are not necessarily problems. These conflicts within oneself are crucial to a healthy personality. "Each person has or can have a variety, a multiplicity of different and perhaps disparate communal allegiances", which "requires *management*".³⁵

Thirdly, even if we accept the integrity of individuals' collateral commitments,

³⁵ Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative," *University of Michigan Journal of Law Reform* 25(1991):789.

recognizing and respecting a moral person's integrated individuality by no means implies that our life or decisions are thus confined or even determined by our collateral commitments or horizon. Respecting one's collateral commitments does not entail that one is deprived of the position of final authority over his own reasons or motives. P(6) suggests that one's horizon or a collateral commitment is superior to one's own reason or desires. More information regarding why the decision of one's collateral commitments is able to prevail over one's decision on his reason or motive needs to be filled in. The integrity argument may refute that there is no independence of one's own reason or desires deriving from one's collateral commitments or horizon. However, the integrity argument cannot be pushed to this extent that there is zero room for one to develop one's faculty of inferential reason or individual free will. Otherwise the integrity argument, which initially calls for recognizing particularity, will end up swallowing up all possibilities of individual decisions by reason.

3.2 Federer, Nadal, or No One in Particular?

As the opposite of outcome A, I argue that the consensus conception's exclusion of religious argument entailed by the requirement of shared public reason does not mean disrespecting or breaking down religious citizens' integrated existence. My objection to outcome A has three layers of arguments. Firstly, the consensus conception does not criticize or reject religious citizens' religious convictions, and political liberals do not ask religious citizens to forsake their religious convictions. Not evoking religious reasons in the political forum is compatible with them occupying the fundamental place of religious citizens' comprehensive doctrines. As shown previously, because something is of fundamental significance to me does not mean that all my behaviors and thoughts are driven by it. Secondly, as for the relationship between religious citizens' religious convictions and their political claims, citizens have the freedom of conscience to decide individually how they think the values of the political domain are related to other values in their comprehensive doctrines. Thirdly, in contrast with the accused hostility towards religion,³⁶ the consensus approach's exclusion of religious reasons is not the *aim* of using shared public reason. Rather, the usage of shared public reason is the only *condition* for each party to conduct a valid discussion in the political forum. To illustrate these above

³⁶ In contrast with what Rawls has emphasized on several occasions, that public reason is not against religion, critics still believe that public reason has shown hostility towards religion. Or as what Jeffery Stout points out, no one would say that the argument of public reason shows support to religion. See Patrick Neal, "Is Political Liberalism Hostile to Religion," in Shaun P. Yong ed., *Reflections on Rawls: An Assessment of His Legacy*. (New York: Ashgate Publishing, 2009) & Jeffery Stout, *Democracy and Tradition*, 36.

points, a hypothetical example may be of some help.

Hypothetically, at a tennis world congress, in front of all the world's tennis fans, Allan, Brian, and Carrie are conducting a public debate about what is the true nature of tennis, and the outcome of their debate will have a coercive effect on how everyone plays tennis.

Allan: Roger Federer is the God of tennis. He is the one who defines tennis.

Viewing Roger Federer as my religion in tennis and being his follower is my indispensable tennis identity.

Brian: I disagree. I believe Rafael Nadal is the God of tennis. He is the one who defines tennis. Viewing Rafael Nadal as my religion in tennis and being his follower is my indispensable tennis identity.

Carrie: I disagree with both of you. I know how great Federer and Nadal are, but I do not believe any single player should dictate how everyone understands tennis. There is no way we would reach agreement of what tennis is and how to play it if you two hold up to your "indispensable tennis identities".

In this quite a realistic debate; both Allan and Brian insist on making their claims on the basis of their 'indispensable tennis identities' with their fundamental tennis convictions. However, Carrie believes that the public discussion about tennis should exclude anyone referring to their tennis God. By abstaining from referring to Federer and Nadal, Allan and Brian are not asked to discard or question their beliefs of the greatness of those two great players. Nor is Carrie questioning the fundamental position of Federer and Nadal in Allan and Brian's understandings of tennis. It is true indeed that Allan and Brian believe that the sport of tennis is defined by Federer and Nadal, yet it by no means indicates that they cannot discuss tennis without referring to these two great players. It is clearly absurd to conclude that Allan and Brian have lost their tennis identities or that they are less Federer and Nadal fans. The importance of Federer and Nadal to the sport of tennis is within Allan and Brian's freedom of conscience, and everyone is entitled to have their own idea of who their tennis God is. But when the question becomes a public topic and will have coercive influence on the world's tennis fans, if the current mode of conversation continues, a public discussion would be as Carrie predicted: impossible. No matter how eloquent these three participants are and how compelling the arguments are that they each provide for their claims, they lack a basis to conduct their discussion of the question, namely what tennis is. There is no way for other parties to participate in this discussion if Allan and Brian grip tightly to their insistence on Federer and Nadal as

the final reference in this public discussion.

Likewise, conducting public discussions in secular terms does not require any abnegation of one's theism. Even if it is fundamentally believed by one that everything is created by God, it is a different matter that one cannot engage in secular debates without God talk. To confound those two different matters would dramatically compress the room of moral principles and evaluative standards' development, which is contrary to the reality of this secular world. One is not surrendering his integrity when he withholds appealing to his religious convictions; rather, he realizes it as a necessary condition to conduct a valid public discussion. Additionally, what is noteworthy in this artificial example is that no tennis fan will have any difficulty in accessing or comprehending Allan and Brian's points of Federer and Nadal, which is not the common case for religious arguments. In actual liberal democracies, religious arguments tend to be unintelligible and inaccessible to many unreligious citizens or religious citizens from other faiths, even after careful examination. We live in a situation where the religious part of society is also a tower of Babel: no one understands the arguments of the other. A good argument for a Mormon is only applicable for him, while it could be totally unconvincing to Jews or Muslims. So purely on the basis of religious pluralism, even in a world where there are only religious believers, they would be obliged to speak the language that is universally understandable to each other too. Even the conventional Christian arguments would not be convincing to all Christians.³⁷ As a matter of fact, many religious believers tend to use public reason, even only for pragmatic concerns, in the court to make their case more compelling. In that sense, this hypothetical tennis example has already downgraded the difficulty of putting religious arguments into public discussions since the only problem in this example is the unshareability. Nonetheless, it may be objected that the hypothetical example of tennis is inappropriate as tennis cannot be compared to politics. Yet the analogy here is not between tennis and politics; rather is between Federer or Nadal's fundamental influence on a tennis fan and a religion's impact on its devout believers, which is what integrated existence signifies.

3.3 "Full Participation" and "Unrestricted Participation"

The next issue I am taking on is a claim similar to outcome B, which argues that not being able to refer to Federer and Nadal in the discussion prevents Allan and Brian from fully participating in the tennis congress. As far as I see, the convergence approach's criticism on this point has confused two distinct concepts: "full participation" and

³⁷ I thank Paul Cliteur for making this point.

“unrestricted participation”.³⁸ One can participate fully in political debate irrespective of whether or not one unrestrictedly “runs out all my arguments or express all my sentiments”, so long as one has revealed all one’s reasons that can be discussed and evaluated by one’s fellow citizens.³⁹ By contrast, unrestricted participation is not necessary full participation. An unrestricted way to take part in democratic debates could result in bringing in too personal judgments that cloud what can really be reflected upon.

In a democratic regime, as I have argued in chapter three, citizens do not merely share a public life together; they also share a “participant’s perspective” on political matters. Citizens not only share a public life together, they are also generally positive participants in a democratic regime who help shape our public life together. That is to say, as full participants, citizens are those whose fundamental interests are affected by, and also who *really* take part in political decision making. A “participant’s perspective” impels citizens to employ justificatory public reasons that can be shared among all citizens in the public arena. When a citizen takes a participant’s point of view towards a political matter, his reason in the public discussion does not merely make sense to himself alone; it has to be accessible, understood, and shared by a general citizen body as well. Therefore, citizens are all able to equally examine a political conception’s legitimacy on the same basis of matters that they all care about. On the other hand, unrestricted participation signifies that those citizens who take part in the democracy reason without any restrictions and do not accept public reasons as the reasons they should take to guide their public life. For those citizens who view democratic participation as uncircumscribed, they do not share reasons underlying a state’s plans and decisions. Instead, they still reason as scattered individuals who are not necessarily part of a liberal democracy.

Perhaps we can show the difference between full participation and unrestricted participation more clearly by revisiting our hypothetical story of the election between Bob, Derek, and Claire.⁴⁰ Recall that Bob votes for the candidate Claire because and only because they are both Anglicans. Although Derek votes for Claire too, this is because he believes that she is a candidate with solid political merit and virtues. The problem is that Bob has no other reason that he can share with a general citizen body to convince others to accept his decision in voting for Claire. Psychologically, Derek may even be less

³⁸ This distinction is brought out by Robert Audi in *Religious Commitment and Secular Reason*, (Cambridge: Cambridge University Press, 2000)108. For Audi, full participation does not depend on whether all one’s arguments or sentiments have been expressed in democratic processes.

³⁹ Ibid.

⁴⁰ Although “ordinary citizens of most liberal democracies are not given the opportunity to cast votes on laws and policies,” they participate in political decisions mainly by voting on candidates who seek public offices. See Paul Weithman, *Religion and the Obligations of Citizenship*, 117. I discussed this story in much detail in the third chapter.

passionate as Bob in taking part in this election. Nevertheless, Derek has fully participated here while Bob has participated too, but in an unrestricted fashion, inasmuch as only (compared to Bob) Derek's reasons would be understood, accepted, and even sympathized with by a general citizen body. Furthermore, if there is hard evidence that Claire is not who she claims to be, and she was severely corrupted in her previous occupation, and if Derek is made aware of that new finding, which has been proved to be true, he is expected to change his vote or at least have second thoughts about it. By contrast, Bob's unrestricted and unshakeable support for Claire would not be interfered with by this new finding since his support is based on her religion, which stays the same in this case. Suppose again, if Claire declares that she is not religious anymore, which change will not influence Derek but could possibly lose Bob's vote. Plus, following the convergence approach's picture of unrestricted participation, with all arguments included in the public discourse, if Bob's religious denomination unfortunately becomes the minority, in canvassing his religious argument, Bob would possibly confront challenges by members of other religious groups, for instance Presbyterians or non-Christians, who would want to coerce him towards favoring their religions.

IV. Public Reason Encroaching on Religious Liberty?

The previous hypothetical tennis example may engender a subsequent question with respect to outcome C: does not referring to Federer and Nadal in the discussion prevent Allan and Brian from exercising their tennis religious freedom or their freedom in expressing their most fundamental convictions? Likewise, in the previous supposed example of the election, the consensus approach would say that Bob has a moral duty to refrain from voting for Claire only because she is also an Anglican; is that an infringement of Bob's religious freedom?

I believe that there is both conceptual confusion and a normative problem in this so-called outcome C. For one thing, this outcome has conflated legal right and moral evaluation, namely "the (legal) right to do something" and "doing the (morally) right thing". While the requirement of shareable public reason asks for the realization of the latter "right", it has not infringed upon citizens' legal right to their religious liberty. Moreover, a reflection of the normative logic of religious liberty brings this idea to the surface: the benchmark of defining the violation of religious liberty does not depend on the burdens that have been imposed on religious citizens, but relies upon the question whether it deprives individuals of a fair opportunity, with regard to background conditions, to pursue and fulfill their religious commitments.

4.1. “The Right to Do Something” and “Doing the Right Thing”

First of all, there is basic confusion in these two questions. The claim of outcome C mistakenly equates “the right to do something” with “doing the right thing”. Allan and Brian have every right to invoke Federer and Nadal as the final authoritative reference in their tennis congress; however, it by no means signifies that they are doing the right thing. It is also certainly Bob’s right to vote for any candidate as an exercise or demonstration of his religious liberty, which also does not mean that Bob is making the right decision. The “right” in the first sense is a legal right, which by itself involves a permission to do things morally wrong or neutral. By contrast, “doing the right thing” is a moral judgment, which is independent of the “right” in the legal sense. Religious liberty is citizens’ fundamental constitutional right. However, “countenancing this right does not imply that every exercise of it is beyond moral criticism... rights are not a moral license to do everything they forbid others to prevent.”⁴¹

Let me strengthen this argument by addressing two further concerns. First of all, admittedly, a legal right to do something does not mean that doing anything under that category is morally praiseworthy. However, there must be something intrinsically good, valuable, or worthy of protection about that category, otherwise there would not be any law to guarantee its legal status to begin with. Therefore, it is not entirely correct to say that “the right to do something” and “doing the right thing” are independent of each other. In terms of the source, the former “right” must have fundamentally derived from the latter “right”. For example, most constitutional laws stipulate freedom of speech as a fundamental constitutional right, and the legal right to speak freely is recognition and protection for the value of speech in general. I think it is a justified belief. Nevertheless, it does not mean that every type of speech is morally praiseworthy. By the same token, although freedom of religion is seen as recognition and protection for religion in general,⁴² it by no means implies that invoking religious liberty under all circumstances is

⁴¹ Robert Audi, *Religious Commitment and Secular Reason*, 93.

⁴² It’s also a contentious issue whether religious freedom as a fundamental constitutional right is a protection for religion *per se* or for other reasons. Some theorists believe it is because religion itself is good in its nature. For instance, John H. Garvey, “An Anti-Liberal Argument for Religious Freedom,” *Journal of Contemporary Legal Issues* 7(1996): 275-291; Michael J. Perry, “Religion, Politics, and the Constitution,” *Journal of Contemporary Legal Issues* 7(1996): 407-446; John Finnis, “Does Free Exercise of Religion Deserve Constitutional Mention?” *The American Journal of Jurisprudence* 54(2009): 41-66. By contrast, some theorists argue that we only save this constitutional right out of prudential concerns. Such as, Brian Leiter, *Why Tolerate Religion* (Princeton University Press, 2012). Even more, some perceive the constitutional foundation position of religious freedom in connection with constitutional practice. For example, Andrew Koppelman, “Is It Fair to Give Religion Special Treatment?” *University of Illinois Law Review* 3(2006): 571-603. The question of whether religious liberty is a protection of the

morally commendable. Therefore, the moral duty of not invoking religious doctrines in public reason imposed by the consensus approach is incapable of outweighing citizens' religious liberty. However, if religious doctrines are invoked in public reason as an exercise of religious liberty, religious citizens are unable to explain the basis of their actions to other citizens in terms that each could reasonably be expected to endorse. That is to say, they are being unfair to other citizens. In the artificial election story, as Bob is unable to justify his decision to other citizens, he is being unfair to any citizen who is not an Anglican. Moreover, although citizens have a right to make wrong decisions, they do have to live with the consequences, for instance, a degenerated democracy. As Audi says, "If citizens in a democracy do no more in shaping their society by their political participation and in contributing to public service than they must do by law, their society will at best languish".⁴³ Back to the tennis example. Should Allan and Brian insist on their claim on their tennis god, they also would have to face the consequence of a deadlock of their tennis congress. As for the society in which Bob lives: if every religious citizen voted for who they felt was most pious to their religions, this election might end up with an elected official who is unable to be responsible for all citizens in the society.

Secondly, even though it is legally permissible to do morally wrong things as long as it is still legal, to what degree can we permit or tolerate such morally wrong behavior? Or, to put it differently, when does a morally wrong but legally right behavior become illegal? Let us take the example of free speech again. The right of free speech does not mean that any individual can say anything they like. For instance, the limits of morally repugnant free speech have been set by the punishment for "hate speech" in many states' criminal laws. And also, the crime of blasphemy, no matter how morally contentious it is, still remains valid in many criminal laws. These two examples of the limits of free speech clearly show that having a right to do certain things is not a green light to do all these things. Back to the constitutional right of religious liberty. In the American Constitution, the limitation to this first Amendment right's exercise has been placed in the same article: non-establishment. The state's permission of citizens' religious liberty claims cannot amount to any certain sort of establishment. Back to the artificial election story. Bob's decision in backing up another Anglican certainly does not constitute an establishment of an Anglican Church. Nevertheless, it might lead to this consequence if all religious believes from the same faith voted as Bob did.

nature of religion is too complicated and irrelevant for me to answer here. For the sake of argument, I accept the most generous assumption to religion, that religious freedom is a recognition and protection for the concept of religion itself.

⁴³ Robert Audi, *Religious Commitment and Secular Reason*, 86.

4.2 Burdens and Fairness

The other mistake of the outcome C stems from a normative problem. Outcome C presumes a common logic that restricting religious citizens' ability to refer to their religious beliefs in democratic engagement prevents them from practicing their religions, which is a serious setback to a person's legitimate interests. And the state should not impose such burdens in the absence of a compelling reason. "A law conflicting with religious conduct should be withdrawn or amended or an exemption should be carved out."⁴⁴ In a recent article, Alan Patten points out that the mistake of this common logic pertains to its failure to recognize the relationship between burden, responsibility, and the justification of state action.⁴⁵ The common logic assumes that a burden or restraint on religious citizens itself implies a presumption of exemption or religious accommodation. However, this presumption would be "valid only if the burden on the religious believer is not appropriately regarded as the believer's own responsibility".⁴⁶ The severity of religious constraint does not signify that preventing such constraint or removing it is everyone's responsibility, since if a person's religious commitments are her own responsibility, the costs should not be borne by others.⁴⁷ Likewise, the fact that a person is seriously or seemingly unequally burdened by a law does not by itself "establish unfairness because the burden might be one for which she is legitimately considered responsible."⁴⁸ Subsequently, the key question shifts from the presumption against religious constraints to locating where the responsibility belongs, which is where the principle of fairness comes into play.

According to the fairness principle that Rawls developed, it is a "public responsibility" to ensure that primary institutions provide "fair background conditions for citizens to pursue their ends."⁴⁹ If the fair background conditions are not established yet, individuals have a claim to fairness treatment, but if individuals still feel restrained given that those background conditions are fulfilled, then they are "expected to bear this burden themselves."⁵⁰ Thus, a claim of religious liberty deprivation calls for more than the demonstration of religious constraints; "it must also be shown that the burden or

⁴⁴ Alan Patten, "The Normative Logic of Religious Liberty," *The Journal of Political Philosophy* 25 (2017): 130. Such a consideration is also behind the legislation of RFRA (Religious Freedom Restoration Act) in the United States.

⁴⁵ *Ibid.*, 139.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*, 139-140.

⁴⁸ *Ibid.*, 142. I thank Paul Cliteur for bringing up this point to me first.

⁴⁹ *Ibid.*, 141.

⁵⁰ *Ibid.*

restriction on religious conduct undermines the fair background conditions against which individuals are entitled to pursue their ends.”⁵¹ If we put the claim of religious liberty into this light, individuals would be given “especially weighty interests in being able to pursue and fulfill their religious convictions,” as long as these interests do not conflict with the fair background conditions on the basis of which all others can pursue and fulfill their claims.⁵² The point of the fairness principle is to encourage us “to avert our attention from the balance between constraints and public interest” to “the concern about fairness”.⁵³ I believe that this is precisely why the consensus approach’s argument of public reason does not hinder individuals from exercising their religious liberty. The essence underlined as shareable public reason’s moral duty is not to add burdens on religious believers. Instead, the crux is to present a fair democratic setting that is understandable and shareable to all citizens to lay down their claims and pursue their ends. Asking citizens to refrain from invoking religious arguments would make religious citizens present their case perhaps in a less comfortable or familiar language in the public deliberation, but it is not unfair in the sense that it is the language that is shareable and conversable for all citizens.

To conclude the two sections above, I believe that the integrity critique which criticizes the consensus conception of imposing unnecessary restraints on religious citizens is untenable on close examination. The integrity argument’s objection has indeed been built upon a valid assumption, consisting of p(1) to (5), that we need to respect each person’s integrated existence. However, it leads to three unwarranted outcomes: A, the consensus conception has impaired a religious citizen’s integrated existence; B, it also seriously constrained religious citizens’ participation in democratic political life; and C, it especially invades religious citizens’ religious freedom. Firstly, p(6)’s claim that the pursuit of identity is a predominant ideal in every individual is not necessarily true, nor is our existence or identity always integrated. Secondly, regarding outcome A, the requirement of shared public reason only asks citizens to refer to the language and the terms that every reasonable citizen is expected to understand and share whilst attaching no judgment of their religious convictions, and it therefore leaves their integrated existence intact. It is just that the religious convictions are unshareable. Contra outcome B and C, the distinction between “the right to do something” and “doing the right thing” helps me to emphasize that the consensus approach’s shared public reason requirement does not interfere with citizens’ legal rights. Last but not least, the real question of citizens’ religious liberty deprivation lies in whether it departs from the principle of fairness,

⁵¹ Ibid., 143.

⁵² See *ibid.*, 143-148.

⁵³ Ibid., 153.

which is one of the grounding values of the consensus approach. I hope it is clear now that citizens' integrated existence and their freedom either in engaging in political life or in being free from intervention will not be in any way shaken by the consensus conception of public justification.

The above twelve propositions of the integrity argument are all meant to point to the alternative plan of the consensus approach: the convergence approach. The convergence approach claims that its account better respects the value of integrity and as a result better secures citizens' freedom in a political society. Although this section has debunked that the consensus approach is exempted from the critiques the integrity argument raised, the next section goes one step further to argue that the convergence approach, as a matter of fact, fails to warrant the value of integrity and citizens' freedom as it has claimed.

V. Debunking the Claim of Integrity

The all-inclusive convergence approach is, in Gaus's opinion, deeply rooted in a rejection of the Hobbesian-Lockean contractarian idea that "the only resolution of the clash of private judgments about morality" is "the voice of public reason", thus we need to "bracket our private judgment and defer to the reason of public authority."⁵⁴ Gaus and other convergence approach advocates believe that this Hobbesian-Lockean resolution inherently "politicize[s] the resolutions of all moral disputes," and more worrisomely; it is a dangerous bargain that it alienates our freedom and gives total control over our lives to others.⁵⁵ In contrast with the consensus approach, which makes such a bargain, the convergence approach claims its superiority in being able to safeguard individual integrity, that is to say, to ensure that citizens are able to act in ways that are in accordance with their deepest moral and religious convictions (the Claim of Integrity). It is a justified concern to protect each citizen's integrated existence. However, I believe that the claim of integrity cannot be maintained. Although the convergence approach's argument departs from the significance of recognizing individual integrity, the importance of upholding one's integrity does not necessarily lead to the claim that we have to avow each individual's ultimate values in the political society.

As Jeffery Stout's argument of integrity manifests, Hegel is the one who most prominently brought the significance of recognition of integrity, or in his term, self-consciousness of self-sufficiency to the forefront of political theory. Stout

⁵⁴ Gerald Gaus, *The Order of Public Reason: a theory of freedom and morality in a diverse and bounded world*, (New York: Cambridge University Press, 2011) 24-25.

⁵⁵ See *ibid.*, 24, 48.

understands that recognition of integrity or identity is indispensable for an individual's liberty of free expression, which also corresponds to Hegel's characterization of self-sufficiency and freedom. For Hegel, a free agent must be self-sufficient.⁵⁶ However, freedom for Hegel is a tremendously rich and also organic concept, which involves not only interpersonal relations but also the relationship between agents and the state. The actualization of integrity and freedom that are threatened here by the consensus approach is related to how an agent's identity or freedom can be recognized by the state. However, for Hegel's dialectic theory, one's freedom's realization is not only affected by the state, but also affects the state, and it is precisely through this mutual reaction between individual agents and the state that one's freedom and identity are fully realized.

I follow Rawls's analysis of Hegel's concept of freedom (along with its realization), which is addressed on three levels. First, freedom is actualized in a system of political and social institutions in the sense that one's interests are recognized and respected by such institutions.⁵⁷ Secondly, an agent wills the ends of the political institution in a state to be his own ends, which is a better way to obtain his freedom.⁵⁸ Thirdly, "through exposure to the political institutions of 'public opinion,'" freedom on the level can be educated and orientated.⁵⁹ For starters, Hegel also denies the contrarian view that sees the state as a limitation to freedom, which he believes "neglects the important role that social institutions [play]... in constituting free and rational individuals," as freedom by its nature is actually realized in the state.⁶⁰ A state's primary function, according to Hegel, "is not to promote the welfare of citizens but to secure and maintain their freedom."⁶¹ Alan Patten elaborates this point as follows, "the state is the sphere in which individuals directly, explicitly, and intentionally work for the good of others, or for the whole community, and seek to preserve and promote a community of mutual recognition in

⁵⁶ "For Hegel, a complete conception of what a subject's freedom...comes into view only at the moment that the real possibility of self-conscious freedom is established. It is only when we see *that* and *how* free subjectivity is possible that we know precisely what it is for a subject to be free. We can see how an argument of this sort works if we think of the *Phenomenology* as starting out with only the barest idea of what it is to be free, with what Hegel sometimes calls a 'formal definition' of freedom. In both 'Consciousness' and 'Self-Consciousness' this bare concept of freedom is denoted by the term *Selbständigkeit*, which literally means 'self-standingness', though it is often translated as 'self-sufficiency' or 'independence'."

Frederick Neuhauser, "Desire, Recognition, and Lord and Bondsman," in *The Blackwell Guide to Hegel's Phenomenology of Spirit* (Kenneth R. Westphal ed., Blackwell Publishing Ltd., 2009) 39.

⁵⁷ John Rawls, *Lectures on the History of Moral Philosophy* (Barbara Herman ed., Harvard University Press, 2000) 352.

⁵⁸ *Ibid.*, 349.

⁵⁹ *Ibid.*, 357-358. And Alan Patten, *Hegel's Idea of Freedom* (Oxford University Press, 2002) 190.

⁶⁰ See Alan Patten, *Hegel's Idea of Freedom*, 165.

⁶¹ *Ibid.*, 177.

which all can develop and sustain their free and rational faculties.”⁶² Moreover, for Hegel, citizens do not conceive states instrumentally as a protection or a representative; they regard political institutions as “a constitutive component of their identity and good”.⁶³ In order to understand freedom sufficiently, we need to combine moral agents’ freedom’s actualization as both private individuals and citizens. Every moral agent has his or her own “particular interest”, which refers to “the satisfaction of some empirically given need, desire, inclination and so on”, and they only concern the agents’ “actions, motives and dispositions”.⁶⁴ A state enables individuals to fulfill their particular interests as long as these interests are developed and “protected by the rule of law”.⁶⁵ That is to say, the right of their particular interests is recognized in the state since the state respects and protects individuals’ choices.⁶⁶

However, private individuals do not only live as individuals, they are also citizens in a state and accordingly have “universal interests”. A universal good is good for him or her independently of what s/he desires, but aims at the good for all free and rational agents that make up the community as a whole.⁶⁷ This is where freedom on the second level comes in. With respect to the possible conflicts between an individual’s particular interests and universal interests, Hegel argues that they should pass over their own interest in the universal, and “knowingly and willingly acknowledge this universal interest even as their own substantial spirit, and actively pursue it as their ultimate end.”⁶⁸ This is a claim of the priority of universal interests compared to particular interests. Besides, it is also a confirmation of the highest priority of being a citizen for a moral agent. They do not live simply as private individuals; rather, they are “concerned with the universal end” or interests and their will as citizens are directed to and “acting in the full conscious awareness of this end.”⁶⁹ Private individuals do not work for something alien to their own purposes and identity, but they work to realize the good of the whole community, during which they give rise to an important, probably the central aspect of their identity: citizenship.⁷⁰ The third level of freedom is thus approached in Hegel’s discussion of the

⁶² Ibid., 175.

⁶³ Ibid., 177.

⁶⁴ Ibid., 172-173.

⁶⁵ John Rawls, *Lectures on the History of Moral Philosophy*, 355.

⁶⁶ Alan Patten, *Hegel’s Idea of Freedom*, 192.

⁶⁷ John Rawls, *Lectures on the History of Moral Philosophy*, 357.

⁶⁸ Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right* (H. B. Nisbet trans., Allen W. Wood ed., Cambridge University Press, 1991) 282 (§260).

⁶⁹ John Rawls, *Lectures on the History of Moral Philosophy*, 356.

⁷⁰ See Alan Patten, *Hegel’s Idea of Freedom*, 194-199. Alan Patten also argues that Hegel thinks citizens are objectively free when they are acting as citizens, which is nevertheless also criticized by lots of Hegelian scholars. He believes that being a good citizen according to Hegel is central to one’s identity.

roles of public opinion. Public opinion assembles citizens' views, including their discontents with government affairs, and it thus provides the state with a better understanding of people's thoughts and needs.⁷¹ In this process, the public also becomes familiar with the political institutions and acquires "a knowledge of what the state's decisions and policies are based on."⁷² The educative aspect of public opinion is precisely manifested in the sense that the publicity provides an important opportunity for citizens to develop their political abilities, and also remedies for the "self-conceit of individuals and of the mass".⁷³ Through public opinion, ordinary citizens are educated to "acquire and continuously reinforce an orientation" to the "universal interests and concerns".⁷⁴

Starting from the significance of integrity's realization, the convergence approach is correct in emphasizing the significance of conceiving of a full knowledge of self-identity as a mutual recognition process between individuals. Indeed, individuals attract the recognition of their fellowmen to reinforce their own self-consciousness as free and rational agents. They are also correct in identifying an individual's deepest convictions, values, and motivations with their background and their participation in their affiliated institutions, such as family and civil society as a dialectic and mutual process. Only by viewing individuals as social members "can they be expected to have the convictions, values, motivations, and dispositions that stabilize an institutional structure in which they can develop and maintain" their integrated existence.⁷⁵

Nevertheless, the convergence approach's defense of identity and freedom absorbs from the Hegelian argument in a very incomplete way. The convergence approach's claim of integrity is based on a rather barren concept of freedom in an isolated manner, which

The reason behind that is connected with how one gets one's self-consciousness. Hegel believes one can only fully understand oneself through interaction with and recognition from another. Thus, a moral agent "can develop the capacities and attitudes that make up free and rational agency only in the context of a community of mutual recognition." This mutual recognition relationship is also built into the relationship between citizens and the state. An institutional structure preserving and promoting their freedom can only be maintained "unless individuals adopt the ends and dispositions of the good citizen." To put it roughly and simply, a political institution's operation and maintenance is indispensable to a citizen's recognition, while a citizen's fundamental freedom is also built upon their support for those political institutions. A life of citizenship is therefore reflectively endorsable in a way sensitive to some given desires or goals of private ends, but is about establishing and maintaining one's own freedom itself. It is the acting as a good citizen that helps one to fully become oneself, and one can endorse it from the perspective of an end that one is inevitably committed to. For Hegel, individuals are thus objectively free as citizens, and they "support an institutional structure which in turn develops and secures their own capacities for freedom and rationality."

⁷¹ John Rawls, *Lectures on the History of Moral Philosophy*, 357-358.

⁷² *Ibid.*, 358.

⁷³ See Hegel, *Elements of the Philosophy of Right*, 352 (§315).

⁷⁴ Alan Patten, *Hegel's Idea of Freedom*, 190.

⁷⁵ *Ibid.*, 186.

merely advocates its actualization on the first level, namely, the freedom of having individuals' particular interests recognized and respected by the state.⁷⁶ In comprehending the essence of integrity, the convergence approach has yet to attend the possibility of realizing it in a much deeper sense. For instance, the state is an indispensable constitutive part of this narrative story of dialectic recognition, and also, individuals are not only members of certain groups or tribes, but, more importantly, they are citizens. The operation and self-sufficiency of a political institution do not stand by themselves; rather, just as how an individual becomes self-conscious through others' recognition, a political institution's self-sufficiency also relies upon the general acceptance and compliance of the institution's rules, which are established by citizens. In other words, if such an institution fails to imbue people with the disposition to accept its rules, it will possibly lack self-sufficiency. Therefore, the state is also a constitutive part of the self-sufficient institutions that can foster and reinforce citizens' capacities of freedom and rationality. However, the convergence approach, in advancing its integrity claim, misses the dialectic relationship between individuals' claims of freedom and the state, and it therefore fails to recognize the possibility that each individual's identity and their private interests can be actualized in harmony with the universal good. Since the convergence approach falls short of seeing the importance of engaging in politics for individuals, it certainly lacks a positive affirmation of democratic citizenship, and inevitably lacks a full understanding of freedom in a mutual relationship between citizens and the state.

VI. Public Reason as a Preemptive Procedural Constraint

Another prevalent critique closely related to the integrity critique is the fairness critique, which claims that the requirement of public reason, namely the moral duty of abstaining from invoking comprehensive including religious reasons in the public forum, is unfair to those citizens who can only introduce their comprehensive doctrines to support their decisions. Nevertheless, the deeper source of this critique and the integrity critique are both embedded in an inadequacy of recognizing the justification of public reason. They mistakenly believe that public reason cannot be overridingly justified in public deliberation, since nonpublic reason may possibly outweigh public reason or even works as second-order reason excluding the consideration of public reason.⁷⁷ However, I will

⁷⁶ Kevin Vallier has even made a quite astonishing claim that citizens do not need to care about politics at all. "Instead, one can be a good citizen without engaging in political life. Perhaps one can be a good citizen without voting." See Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation*, 230.

⁷⁷ See Jeremy Waldron, "Public Reason and 'Justification' in Courtroom," *Journal of Law, Philosophy and*

argue that it is the public reason established upon our commitment to justice underlined by the value of fairness that gives a second-order or quasi-exclusionary reason to preemptively exclude the involvement of reasons that cannot be shared by our fellow citizens in public deliberation.

To unfold this critique and my rebuttal, let us look at a justification from the perspective of practical action for a while. Waldron adopts Joseph Raz's analysis of reason to criticize public reason's requirement in public deliberation. I will briefly illustrate Waldron's critiques as follows. It is true indeed that justification involves not just the ascertaining of reasons, but also the weighing of their strength.⁷⁸ Waldron argues that the process of justification requires a comprehensive search "for all the reasons that might pertain to D [a political decision] one way or the other."⁷⁹ A public reason may seem to weigh very heavily in favor of a certain decision, but it does not mean that it is the overriding reason, since such a public reason might be overpowered by an even stronger nonpublic reason. Waldron thinks that we will not feel content in finding strong reasons in favor of a decision that is supported by public reason, since "everything depends on how the strength of public reasons lines up in relation to the strength of nonpublic reasons opposing the decision."⁸⁰ If a nonpublic reason is excluded from being considered in our deliberations by the constraint of public reason, then although a public reason might seem to be of utmost importance in supporting the political decision, we cannot say that this public reason justifies the decision, as not all reasons which should have been considered are actually considered.⁸¹ Consequently, if the nonpublic reason which would outweigh the public reason is excluded, then perhaps "the conclusion ought to be that we may not infer anything about the justification of D [the political decision] on the basis of the public reason."⁸²

Moreover, Waldron further argues that a nonpublic reason may be not only a reason against a political decision in terms of its outweighing strength compared to an opposing public reason, but this nonpublic reason could also work as an exclusionary reason excluding the consideration of the public reason.⁸³ According to Raz, by an exclusionary reason, in contrast with first-order reasons, which constitute a person's reasons for his actions, it is "a second-order reason to refrain from acting for some reason."⁸⁴

Culture 1(2007):120.

⁷⁸ *Ibid.*, 116.

⁷⁹ *Ibid.*, 117.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*, 120.

⁸⁴ Joseph Raz, *Practical Reason and Norms* (Oxford University Press, 1975) 39.

First-order reasons and second-order reasons are not weighed by strength, like the weighing between first-order reasons in conflict. If reason *p* is a reason for someone to do something, and reason *q* is “an exclusionary reason for her not to act on *p*”, then reason *p* and *q* “are not strictly conflicting reasons.”; Reason *q* is not a reason for someone to not do something; rather, it is “a reason for not doing something for the reason *p*”.⁸⁵ Their “conflicts are resolved not by the strength of the competing reasons but by a general principle of practical reasoning which determines that exclusionary reasons always prevail, when in conflict with first-order reasons.”⁸⁶ For instance, in the controversy over same-sex marriage and abortion, religious reasons for a lot of people are exclusionary reasons in their decisions. For many religious citizens, the moral order of the divine command is the exclusionary reason for them to exclude taking public reason into account. In other words, the religious reasons derived from their holy scriptures are not just compelling reasons against public reason, but could be the reasons negating any practical weight of public reason. In the case of abortion, the fact that a fetus is also a human being, according to many citizens’ religion, could be such an exclusionary reason that ends the discussion of the permissiveness of abortion.

The point that Waldron is trying to drive home is that no matter what the role nonpublic reasons may play in the public deliberation, be it outweighing first-order or exclusionary second order reasons, the justification process must stay open to all relevant reasons, including public reasons and nonpublic reasons.⁸⁷ Otherwise, “the reasoning process that justificatory discourse involves is in danger of becoming not just truncated but distorted.”⁸⁸ We will not be able “to determine the true weight or bearing of the reasons” and reach a truly solid justification of a political decision “unless we take into account the weight and bearing of all the reasons” on the table.⁸⁹ Therefore Waldron concludes that the failure of staying open and taking all reasons into consideration is a moral defect of the idea of public reason.

Waldron is right in bringing out the point of exclusionary reason here. Nonetheless, contrary to Waldron’s vision, I believe that the theoretical device of exclusionary reason would help to strengthen the account of public reason instead. The idea of public reasons actually works as a preemptive constraint against introducing unshareable reasons

⁸⁵ See *ibid.*, 40. The original text is: “If *p* is a reason for *x* to *f*, and *q* is an exclusionary reason for him not to act on *p* then *p* and *q* are not strictly conflicting reasons. *q* is not a reason for not *f*-ing. It is a reason for not *f*-ing for the reason that *p*.” For the sake of simplicity, I have taken the liberty of simplifying the symbols.

⁸⁶ *Ibid.*

⁸⁷ See Jeremy Waldron, “Public Reason and ‘Justification’ in Courtroom”, 121.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

into the public deliberation *ex ante*. According to Raz, there are two sorts of exclusionary reasons: one is “incapacity-based” exclusionary reasons, which are the type of reasons that preclude first-order reasons due to the agent’s “temporary incapacity to form a balanced judgment”; the other is “authority-based reasons” that derive from a claim of authority and that amount to exclusionary reasons.⁹⁰ That is to say, according to Raz’s analysis of reasons, apart from the scenario where citizens are temporarily unable to make sound judgments, what counts as exclusionary reasons derives from a legitimate claim of authority.⁹¹

Such an analysis appears to fit Waldron’s accounts just right since divine commands are indeed a powerful source of moral authority for religious citizens. However, even considering this issue from within Raz’s theoretical scope, it is hard to say that such a moral authority is legitimate in the first place. In other words, it is difficult to claim that divine commands are able to provide better action guidance for the agent, since the epistemic capacity of a better informed and balanced rationality is what is required for an authority that fits with the normal justification thesis. However, the tense and twisted relationship between rationality and faith is always a hotly debated issue, while the center piece of divine commands lies in the commands, which actually reflects the preemptive thesis of authority. For instance, the famous biblical story of Abraham and Isaac perfectly illustrates the preemptive nature of God’s authority, whereas it is far from

⁹⁰ See Joseph Raz, *Practical Reason and Norms*, 47-48.

⁹¹ Raz’s general conception of authority consists of three theses: “1) the dependence thesis, that all authoritative directives should be based, among other factors, on reasons which apply to the subjects of those directives and which bear on the circumstances covered by the directives. 2) the normal justification thesis, that the normal and primary way to establish that a person should be acknowledged to have authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding, and tries to follow them, than if he tries to follow the reasons which apply to him directly. 3) the preemptive thesis, that the fact that an authority requires performance of an action is a reason for its performance which is not to be added to all other relevant reasons when assessing what to do, but should replace some of them.”

See Joseph Raz, *Ethics in the Public Domain: Essays of Morality in Law and Politics* (Oxford University Press, 1994) 214.

I do have some reservations about Raz’s conception of the authority of the three theses above. To name a few, the content of the preemptive thesis is in parallel with the exclusionary reason, which amounts to an argumentative circle in which Raz employs the constituency of authority to justify what authority can implicate. Moreover, the normal justification thesis implies a perfectionist claim of authority which is yet to be justified, and this thesis is the centerpiece of Raz’s thesis of authority. Additionally, the claim of authority in fact has counted first-order reason twice, as on the one hand it excludes us from taking our original first-order reasons into account, while at the same time it also works as a first-order reason that must be taken into account. However, I do not aim to examine the merit of Raz’s study of general conception of authority here; rather, my purpose is simply to demonstrate how a reason derived from authority provides exclusionary reasons for the agent.

claiming that, in that story, God offers a better guide for action for Abraham than the direction Abraham could have given to himself. After all, God requests Abraham's son, Isaac, as a sacrifice. More significantly, the above contention of whether God's commands fit the conception of a general authority is exactly what political liberals aim to set aside in the first place. The fact of reasonable disagreements of comprehensive doctrines precisely requires us to refrain from pursuing such matters.

I believe that, contrary to what Waldron presumes, public reason works as a quasi-exclusive procedural constraint in public reasoning. Waldron has not really grappled with the weight of public reason for citizens and the subsequent moral duty of following public reason.⁹² Public reason does not work the same as nonpublic reason for citizens; instead, at least on the level of constitutional essentials or matters of basic justice, the requirement that all public officials act on the basis of and follow public reason, along with all reasonable citizens performing the civic duty of following public reason, constitutes political legitimacy.⁹³ That is to say, this requirement of civic duty from ordinary citizens is part of what the idea of political legitimacy entails. Moreover, instead of begging the question of the position of nonpublic reasons in public reasoning, public reason actually *ex ante* precludes the involvement of nonpublic reason that pertains to individuals' own idea of truth rather than reasons that might be shared by all citizens as free and equal people. Rawls indicates that the emphasis on nonpublic reason is incompatible with the idea of democratic citizenship and political legitimacy.⁹⁴

The idea of political legitimacy is based on the values of liberty, equality, and fairness (Rawls sometimes identifies this as the criterion of reciprocity). As illustrated in Chapter Four, the value of fairness remains at heart of our commitment to justice. It is the ideal of fairness that precludes us from invoking reasons that are incommensurable to our fellow citizens. The civic duty of refraining from advancing comprehensive doctrines that cannot be explained by political values into the public deliberation is based on the value of fairness. This value, at a fundamental level, denotes that the exercise of political power is proper only when reasonable citizens "are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of political justice; and when they agree to act on those terms, they are

⁹² In an earlier discussion, Waldron argued that the requirement of public reason did apply to neither public officials nor ordinary citizens. See Jeremy Waldron, "Religious Contribution in Public Deliberation," *San Diego L. Rev.* 30 (1993): 817-848. For the sake of argument, I am not discussing the part where he objected to the public official following public reason but focusing on the part of citizens.

⁹³ See John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review*, 64 (1997): 770.

⁹⁴ *Ibid.*, 771.

willing to do this even at the cost of their interests in particular situations, provided that other citizens also accept those terms.”⁹⁵ The willingness here takes two forms: one is what reasonable citizens themselves are ready to contribute; the other is what they can reasonably expect from other reasonable citizens, which brings the problem of mutual assurance to the surface. To ensure that collective political decisions are arrived at through public reasoning, it is not enough to follow the guidelines of public reason from one’s own standpoint; it is also necessary to be assured that everyone else will abide by the civic duty of public reason as well. In the language of game theory, that no one will defect. And this problem will be my focus in the next chapter.

VII. Concluding Remarks

This chapter focuses on the third critique of the shareable public reason requirement, which is also the first critique of the aspect of its desirability. The Integrity Critique argues that the shareability requirement of public reason has produced three undesirable outcomes for citizens, which are that the requirement invades their integrated existence, restricts their democratic participation, and hurts their religious freedom. In response to the integrity critique, I clarify that, firstly, the value of integrity may not be as demanding as the convergence approach has claimed. Secondly, the consensus approach by no means requires citizens to relinquish their deepest moral and religious beliefs and hence does not damage their integrated existence. Thirdly, the convergence approach confuses two different conceptions of democratic participation and thus mistakenly accuses the shareable public requirement of preventing citizens from fully taking part in politics. Lastly, I point out that there is a distinction between ‘the right to do something’ and ‘doing the right thing’. Religious freedom is a foundational constitutional legal right. However, it does not denote the moral correctness of all references to such a legal right under all circumstances. Moreover, the presumption of religious liberty does not merely hinge on the restraint that religious citizens exercise, but rather on the question whether they have been posited in a fair social and political condition.

The theoretical and practical attractions of the convergence approach are manifested in its aspiration to protect each individual’s integrity and to encourage them to articulate themselves in the political sphere. It advocates incorporating each individual citizen’s most essential moral and religious convictions representing their identities into the public sphere. However, I argue that the convergence approach’s aspiration of guarding individual integrity cannot be accomplished due to the incompleteness of its

⁹⁵ Ibid.,770.

theoretical structure.

Lastly, I consider a closely intertwined critique, which questions the fairness of excluding unshareable nonpublic reason in the public deliberation. I argue that it is precisely the value of fairness that demands a fair democratic setting that prioritizes public reason as a quasi-exclusionary procedural constraint which precludes the advancement of nonpublic reasons that cannot be expected to be shared among free and equal citizens.

In the next chapter, I will entertain the final critique of the shareability requirement of public reason, the assurance critique, which argues that the consensus approach cannot account for actual compliance with public reason from reasonable citizens.