

Public Reason and Political Critique: Toward a Kantian
Reading of Rawls' Political Liberalism

by

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Abstract

This thesis presents and defends a newly Kantian understanding of John Rawls' political thought. Focusing on his doctrine of public reason and his view of political justification more generally, I offer a reading of Rawls' work that emphasizes some crucial, yet unappreciated connections to Kant's critical project. After providing an overview of Kant's account of reason, an exposition of Rawls' work, and considering some epistemic objections against Rawls' view of political justification, I argue that embedded within Rawls' doctrine of public reason is a political adaptation of Kant's notion of critique. I define and develop the idea of 'political critique' as a vital component to Rawls' view of public reasoning, his definition of reasonable persons, and the capacity of citizens to abide by public norms of justification. In short, I advance an interpretation of Rawlsian public reason as both deeply indebted to and emboldened by its Kantian lineage.

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Chapter 1: Introduction

Imagine that one of a city's boroughs is given a government grant to recover from a recent flood. In addition to the damaged residential neighbourhoods, four of the area's most heavily used public spaces are in need of repair — the library, the baseball stadium, the boardwalk, and the city's largest church. The government funds will fully finance the repairs, rebuilds, and temporary relocation required by those whose homes were damaged, but the remaining funds will only be enough to restore one of these four spaces to working order. The government has asked the citizens to decide among themselves which building or area they want to prioritize.

When they converge to voice their opinion, it quickly becomes clear that the discussion is not simply a matter of selecting one option over the others, but of choosing between and subsequently valuing the various and, at times, conflicting interests of each citizen. Secular baseball fans offer what they view as being good reasons for rebuilding the stadium that fail to convince the city's church-going population. Families who were looking forward to spending their summer at the beach are similarly unsuccessful in persuading those who frequent the public library to change their stance. Still more citizens find themselves conflicted in having to endorse one option when they comparably value at least one of the other three. Each citizen has in common that they want to eventually arrive at the best course of action. But the best option rests entirely on the values and concerns of individual citizens. How should they productively discuss the allocation of these funds when the merit of each option varies between individuals and their interests?

In many respects, this hypothetical scenario exemplifies public deliberation within democratic societies. As free to live according to religious, philosophical, or moral tenets, citizens will likely disagree about what ought to be done when social and political

matters are at stake. Consequently, a number of questions are posed to modern constitutional democracies that enshrine this freedom. What parameters are in place to ensure that citizens can collectively answer political questions without conflicting with the doctrines that others are free to endorse? How are we to secure this freedom while retaining the ability to organize genuine and constructive political debate? More broadly, how should the state coordinate itself, its citizens, and its deliberative processes so that citizens who differ in these more private values can nevertheless reach agreement when political issues are being discussed? Here, I examine these and similar themes as they appear in the work of John Rawls.

In Rawls' view, the issues that arise when a plurality of citizens engage in political debate are most effectively avoided by placing certain constraints on public political discourse. His doctrine of public reason offers standards and norms that citizens of a liberal democratic society ought to accept when forming, voicing, and justifying their political views. In short, Rawls claims that individuals ought to use publicly recognized principles and values when justifying their political views to their fellow citizens. His doctrine of public reason aims to establish the grounds upon which citizens can come to agree on political orders, even when they differ in broader beliefs and values.

This thesis evaluates Rawls' doctrine of public reason from distinct, but ultimately converging angles. In addition to Rawls' own writings, I examine his work in relation to Immanuel Kant's account of human reason. I also analyze Rawls' work against an epistemic strand of criticism brought against his doctrine of public reason and his notion of political legitimacy. I aim to offer a robust, Kantian reading of Rawls' doctrine of public reason and, more generally, his views about political justification within the liberal democratic state. I argue that within Rawls' claims are integral but hitherto unacknowledged Kantian influences that not only strengthen his doctrine of public

reason, but also allow contemporary Rawlsians to respond to a certain, epistemic round of objections against his view.

The structure of this thesis is as follows. In Chapter Two, I will provide a survey of Kant's account of human reason, connecting various elements of his critical and practical project to his notion of reason's regulative principle. Analyzed in relation to Kant's venture of uncovering a common principle of reason, I outline reason's regulative principle and the extent to which it serves as a categorical imperative on all rational activity. By emphasizing claims made in his discussion of theoretical, practical, collective, and public reason, I offer an understanding of 'Kantian reason' from which I later borrow in drawing parallels between Kant and Rawls. In Chapter Three, I move to discuss Rawls' theory of political liberalism. My exegesis focuses on the practical turn in Rawls' thought, his notion of political legitimacy, and most centrally, his idea of public reason. I will outline the particular standards that Rawls places on public reasoning and how these norms lend themselves to productive debate between citizens who differ in — and are free to live according to — the principles set out by their religious, philosophical, or moral doctrines. In Chapter Four, I will highlight certain epistemic criticisms brought against Rawls' work. Here, I outline arguments made by David Estlund and Joshua Cohen, each of whom object to Rawls' decision to avoid truth claims in his theory of political liberalism and his doctrine of public reason, respectively.

The prominent themes and force of these three chapters then converge in Chapter Five, where I endorse and argue for a newly Kantian reading of Rawls' political theory. My argument proceeds in four broad steps. First, I outline Rawls' notion of political autonomy and the extent to which it borrows from Kant's view of moral or practical autonomy as thought and action governed by reason alone. I argue that, as its name would suggest, Rawls' definition of political autonomy serves as a political parallel

to Kant's view. I will then turn to extend this moral/political distinction to Kant's notion of critique — the process whereby the principles of one's reason are scrutinized either self-reflexively or dialectically by reason itself or the reason of others — and its role in Rawls' notion of political objectivity. I argue that objective justification rests on the capacity of citizens to justify their views using principles that survive 'political critique', which I define as the process by which the reason of citizens comes to dismiss its subjective conditions *until the point at which the dismissal of those subjective principles is sufficient for the acceptance of a specified plurality of citizens*. I then move to argue that political critique is vital to Rawls' doctrine of public reason. Finally, I respond to the criticisms from Chapter Four by emphasizing the role of political critique in Rawls' claims, and how his notion of objective justification takes the place of truth in the political sphere. In short, I argue that a rich and distinctly Kantian reading of Rawls' work not only emboldens some crucial facets of his political thought, but also discounts a line of objections to which his defenders have yet to sufficiently respond. More forcefully, I argue that embedded within Rawls' work is a political adaptation of the more versatile and resourceful facets of Kant's critical project.

Chapter 2: Reason in Kant's Philosophy

2.1 INTRODUCTION

The role of reason in Kant's philosophy is as diverse as the works in which it appears. From the three *Critiques* to his moral writings and the essays in between, Kant is an invaluable resource for any project that requires a robust account of human reason. But as a result of the variety of contexts in which it is discussed, it can be difficult to *pin down* a comprehensive account of Kant's philosophy, full stop. While common threads can gesture towards certain influences and manifestations of one type or employment of reason in another, it is difficult to see how each of these various conceptions and uses of reason might intersect in the aim of providing a definitive account of 'Kantian reason'.

Some contemporary Kantians have argued that the way forward is found in the prefaces to the first two *Critiques*. In the *Critique of Pure Reason*, Kant writes of his project that "nothing here can escape us, because what reason brings forth entirely out of itself cannot be hidden, but is brought to light by reason itself as soon as *reason's common principle (gemeinschaftliches Prinzip)* has been discovered" (*CPR* Axx; emphasis added). Similarly, Kant writes that the success of his *Critique of Practical Reason* "rightly [occasions] the expectation of being able some day to attain insight into the unity of the whole rational faculty (theoretical as well as practical) and to derive everything from *one principle*—the undeniable need of human reason, which finds complete satisfaction only in a complete systematic unity of its cognitions" (*CPrR* 5:91; emphasis added). This project of uncovering reason's 'common principle' illustrates, at the very least, a shared aim between Kant's first two *Critiques*. But in neither work does Kant explicitly offer such a principle. In this chapter, I trace Kant's notion of a common principle of reason to his writings on reason's regulative principle and its role in reason's manifold iterations and uses.

I begin with Kant's first *Critique* and his writings on the regulative function of theoretical reason. I discuss how this regulatory function allows reason to strive towards a systematic unity of cognitions and that, for Kant, this essential task of reason takes shape in the adoption of a categorical imperative. I will then move to examine Kant's writings on practical reason and the notion of autonomy therein. Here, I outline the role of reason's regulative principle in practical reason by emphasizing the role of rational critique in autonomous thought and action. Moving from individual to collective uses of reason, I will then survey Kant's writings on the *sensus communis* and the three maxims of reason that offer normative guidance for public discourse. This section will highlight the ways in which reason's regulative principle guides public debate by placing, in the form of these three maxims, unconditional constraints on the views presented therein. Finally, I turn to discuss Kant's notion of public reason and how theoretical, practical, and collective uses of reason come to bear on Kant's essay, "What is Enlightenment?". Ultimately, this chapter aims to provide a serviceable overview of a Kantian view of the nature and role of reason by emphasizing this regulative principle and how it pervades Kant's work. I review the various ways in which reason's regulative principle acts as a categorical imperative on cognitive activity, autonomous thought, and collective communication, before considering Kant's notion of public reason in light of this common principle's role in relation to each level at which the faculty operates.

2.2 THE REGULATIVE ROLE OF THEORETICAL REASON

In the preface to his first *Critique*, Kant stresses a sharp contrast between the procedures of reason and the methodology of logic. Valorizing the latter for its ability to delineate and thereby judge its success on the basis of its own limitations, Kant chides reason for attempting to go beyond its own capacities and blames its misguided

ambitions for having failed to establish itself as a similarly precise mode of inquiry (*CPR* Bviii-ix). Remaining dubious about whether it can ever be elevated to such standards, Kant writes that reason “begins with principles which it has no option save to employ [...] rising with their aid to ever higher, ever more remote, conditions. [...] But by this procedure human reason precipitates itself into darkness and contradictions” (*CPR* Avii-viii / Bxiv-v). Kant’s opinion of human reason remains modest through large portions of the first *Critique*, often focusing on its mistaken uses rather than its proper task. But Kant will eventually claim that reason can, in fact, delineate the bounds of its proper employment and thereby secure the credentials for its successful use. Indeed, the broader trajectory of Kant’s critical project can be seen as starting here, in his attempt to elevate reason from a set of faulty procedures to its rank as ‘the highest human faculty’.

Kant turns toward his exoneration of reason most explicitly in the Transcendental Dialectic. Here, he digresses from the ‘lower faculties’ of sensibility and understanding that had occupied much of the text thus far, offering a conception of reason as “the faculty of principles” (*CPR* A299 / B356). Kant begins by drawing a fundamental parallel between reason and understanding, claiming that both faculties share the central task of striving toward unity. The unity that each seeks, however, are of essentially different types. As he writes,

Understanding may be regarded as a faculty which secures the unity of appearances by means of rules, and reason as being the faculty which secures the unity of rules of understanding under principles. Accordingly, reason never applies itself directly to experience or to any object, but to understanding, in order to give to the manifold knowledge of the latter an *a priori* unity by means of concepts, a unity which may be

called the unity of reason, and which is quite different in kind from any unity that can be accomplished by the understanding. (*CPR* A302 / B359; cf. A644 / B672)

Understanding unifies objects in accordance with — or by reference to — certain constitutive rules. Kant claims that both the understanding and the objects whose representations it seeks to unify are contingent upon their potential application in our experience. In short, the concepts that understanding seeks to unify by means of these constitutive rules are derived experientially. Kant also claims that the understanding seeks this unity to the end of establishing knowledge.

Reason, alternatively, strives toward a “systematic unity” that is neither directed toward nor contingent on any objects of experience. The unity that reason seeks reaches beyond the limits of experiential concepts towards an ultimate unity of cognitions. These two varieties or *tiers* of unity towards which understanding and reason respectively strive provide an initial picture of reason as importantly above the understanding in terms of its essential task. That is, while understanding seeks to unify the vast web of experience in the aim of establishing knowledge, reason guides the faculty of understanding itself in the aim of seeking a systematic unity of cognitions. As Kant writes, the task of reason is to “reduce the varied and manifold knowledge obtained through the understanding to the smallest number of principles (universal conditions) and thereby to achieve in it the highest possible unity” (*CPR* A305 / B361) — here, Kant’s initial characterization of reason as ‘the faculty of principles’ comes into sharper relief.

But despite the contrasting objects toward which each faculty is directed, the task of understanding and reason are not entirely distinct. In the Appendix to the Transcendental Dialectic, Kant writes of reason’s positive role in the acquisition of

knowledge by motivating the understanding to strive further than it otherwise would. Since reason both directs itself toward the understanding and also reaches beyond the boundaries of experience, reason *urges* the understanding to seek an ideal unity that remains unavailable to the lower faculties. Reason, which merely postulates the existence of an ideal unity of cognitions, directs the understanding towards this unity irrespective of the latter's empirical constraints. As Kant writes,

This unity of . . . [knowledge] presupposes an idea, namely that of the form of a whole of cognition, which precedes the determinate cognition of the parts and contains [all] the conditions for determining a priori the place of each part and its relation to the others. Accordingly, this idea postulates complete unity of the understanding's cognitions, through which this cognition comes to be not merely a contingent aggregate but a system interconnected in accordance with necessary laws. (*CPR* A645 / B673)

Reason strives toward this 'presupposed idea' of systematic unity which exists nowhere in the realm of experience. Reason nevertheless uses this postulated standard to direct the understanding to seek greater and more expansive unity on the basis of this ideal systematization of cognitions. Reason therefore assists in the acquisition of knowledge "first, by projecting the idea of systematic unity as the ideal goal toward which our cognition ought to strive, and second, by enjoining us to seek this unity in our attempts to understand nature" (Mudd 80).

Since the understanding is unequipped to recognize any unity of this sort, Kant characterizes reason's essential task of seeking systematic unity as an endeavour rather than a tangible end. As he writes, "ideas contain a certain completeness that no

possible empirical cognition ever achieves, and with them reason has a systematic unity only in the sense that the empirically possible unity seeks to approach it without every completely reaching it" (CPRA568 / B596). Reason impels the understanding to seek an ideal of unity that, as a lower and constitutive faculty, it can pursue but never reach. Despite its unattainability, this endeavour serves to produce further knowledge by continuously urging the understanding to strive past the limits set by its empirical and constitutive nature. That is, in commanding the understanding to persistently seek an ideal of unity that it cannot ever secure, the pursuit itself repeatedly and steadfastly strives to unify objects of experience in a more complete, comprehensive, or otherwise systematic manner. Knowledge thereby becomes sought in relation to this ideal and, subsequently, the understanding gains knowledge that it would not have acquired had it remained uninfluenced by reason's ideal of unity.

Reason, alternatively, is capable of continually striving toward systematic unity because, unlike the understanding, it is not constitutive but *regulative* in nature. Reason is able to persistently seek this ideal unity of cognitions since the task itself is not substantiated by any empirical indication of progress but only by the endeavour towards progress as such. Reason does not strive toward any 'next step' in the task of seeking unity, but rather toward the ultimate ideal that it has postulated. Hence, while Kant claims that reason seeks this unity in manifold ways through ideas, postulates and maxims of reason, each distinct mode of striving are subsidiary manifestations of reason's ultimate principle that endeavours towards its essential task (CPRA324 / B380). As he writes,

The principle of reason is thus properly only a *rule*, prescribing a regress in the series of the conditions of given appearances, and forbidding it to bring the regress

to a close by treating anything at which it may arrive as absolutely unconditioned. . . .
Nor is it a *constitutive* principle of reason . . . [but] rather a principle of the greatest possible continuation and extension of experience, allowing no empirical limit to hold as absolute. Thus it is a principle of reason which serves as a *rule*, postulating what we ought to do in the regress, but *not anticipating* what is present *in the object as it is in itself, prior to all regress*. Accordingly I entitle it a *regulative* principle of reason.
(CPR A509 / B537)

Here Kant illustrates the way in which this principle enjoins reason's regulative function. This principle presents the aim of systematic unity to the understanding, thereby initiating the endeavour towards reason's postulated ideal. On the basis of this regulative principle, reason commands the understanding to strive towards the systematic unity that it proposes. But since this ideal is *hidden* from the understanding, all cognitive activity comes to continually strive toward a more expansive unity as proposed by this regulative principle and its subsidiary manifestations. In accordance with this *a priori* rule, reason guides cognitive activity by prescribing an unconditional endeavour towards systematic unity. Critically, this regulative principle is what allows reason to guide the understanding without 'falling into darkness and contradictions' as Kant initially claims. Were reason's principles constitutive or otherwise contingent, it would strive toward and guide cognitive activity on the basis of an ideal that is, by definition, non-constitutive and unconditional. Reason cannot successfully strive toward an *a priori* ideal by means of principles derived from experience, since the ideal is itself regulative rather than constitutive.

This regulative principle, which simultaneously urges the understanding while also *pulling* reason toward systematic unity, is a categorical imperative on all cognitive

activity. While Kant never makes this claim explicitly, this reading is suggested by the nature of and the *weight* that reason's regulative principle has in theoretical reason. The endeavour toward a systematic unity of cognitions places an unconditional requirement on all rational beings. Kant also claims that this principle guides cognitive activity as an unconditional, *a priori* rule. Indeed, reason can only properly guide — that is, regulate without falling into contradictions — when it does so in accordance with unconditional principles. Reason's regulative principle is thus categorical imperative, binding on all rational agents independent of any further end, by both being absent of empirical conditions and also functioning on the basis of an unconditional rule. Just as how Kant will outline categorical imperatives in the context of practical reason, reason's regulative principle guides the human being by subjecting all subsidiary ideas, postulates, and maxims to its ultimate and unconditional prescription to endeavour toward systematic unity.

This reading of Kant's regulative principle as a categorical imperative also remains consistent with his claim that this principle guides and functions by determining 'fixed laws' upon which unconditional judgments are made. As he writes, "reason has insight only into that which it produces after a plan of its own, and ... it must not allow itself to be kept, as it were, on nature's leading strings, but must itself show the way with principles of judgement based upon fixed laws, constraining nature to give answer to questions of reason's own determining" (B xiii). In order for reason to 'produce' any self-imposed 'plan', it must guide cognitive activity on the basis of fundamental, *a priori* rules. Minimally, reason's regulative principle is a categorical imperative because it guides cognitive activity on the basis of unconditional principles and maximally, because it imposes fixed, universal laws on all further activity. It should come as no surprise that

Kant would later claim that to judge unconditionally means no more than to think in accordance with categorical imperatives.

In addition to the degree to which this regulative principle guides and functions as a categorical imperative, evidence for this characterization is found in Kant's related claim that categorical imperatives define precisely that to which pure rational activity amounts. In both his second *Critique* and the *Groundwork*, Kant argues that "only activity that meets the normative standard set by the categorical imperative counts as *fully or purely rational*" (Mudd 91; emphasis in original). Indeed, Kant makes a similar claim in the first *Critique* where he argues that an activity must be derived from or subject to reason's regulative principle in order for it to be considered purely rational. Pure rational activity, in this sense, is synonymous with thought guided by reason's regulative principle.

These preliminary remarks about reason's regulative principle have partially corroborated the claim that this principle ought to be read as a categorical imperative. But in order for this principle to be considered categorical in the most literal sense, it must regulate all cognitive activity — not just those directed toward the understanding. I now move to outline this principle's role in practical reason and Kant's notion of autonomy. Here, the discussion will center on Kant's claim that reason substantiates the authority necessary for autonomous thought and action by subjecting itself to critique. Tracing the role of reason's regulative principle in self-reflexive scrutiny, Kant's notion of critique offers a further iteration of a common principle of reason and its status as a categorical imperative.

2.3 AUTONOMY, AUTHORITY, AND CRITIQUE

The role of autonomy in Kant's theoretical writings has already been alluded to in his claim that reason must function on the basis of self-legislated and 'fixed' laws. While most often read in relation to Kant's moral philosophy, the capacity of reason to properly formulate such laws is critical to understanding theoretical reason's role in practical judgments. Indeed, Kant's claim that reason "must look upon itself as the author of its own principles independently of alien influences" (*GMM* 4:448) is a claim that is loaded with reason's purely theoretical use. Crucial to understanding this claim is its relation to Kant's writings on critique as the means by which reason substantiates its authority to provide normative guidance.

To think and act autonomously, for Kant, is to do so on the basis of principles formed solely by reason. Conversely, Kant's moral writings often characterize reason as simply the basis upon which autonomous thought and action is formed and prosecuted. Kant repeatedly presents his notion of autonomy almost by definition — any activity not guided by the principles of reason is, evidently, not autonomous. Thought and action grounded in impulses or desires, for example, are guided by authorities external to reason and are therefore *heteronomous*. While reason provides the basis for all autonomous activity, heteronomous activity is derived from subjective conditions that differentiate one individual from another. Kant further claims that to think and act on the basis of heteronomous principles is to implicitly deny the authority of reason as binding on all rational beings.

Kant's notion of autonomy and the authorship of reason harkens back to his distinction between reason and the understanding found in the first *Critique*. To 'reason' on the basis of an impulse or a desire is to view concepts of experience as reason's proper object. Heteronomous thought and action, in this sense, means no more than to misuse reason as a constitutive faculty. Heteronomous thought and action

misrepresents the 'objects' towards which reason can be properly directed — regulative principles do not condition objects as constitutive principles do, but rather submit normative criteria *about* objects of cognition and how one ought to think about them. In short, to think and act heteronomously is to mistakenly allow one's thought and action to be guided by objects of experience. Only reason can guide such activity since only it functions on the basis of unconditional regulative principles.

As the only faculty capable of forming normative principles, reason can only 'look upon itself' for the bases of guiding human activity. But in addition to Kant's distinction between regulative and constitutive principles, the influence of theoretical reason on his notion of autonomy is seen in the fact that, "theoretical reason is self-legislating in its drive to systematize experience" (*The Autonomy of Morality* 41). Autonomous activity, defined as activity grounded in principles of reason, is deeply connected to reason's self-legislative capacity. This relation is found in Kant's writings on theoretical reason and his claim that, while the understanding is directed to strive towards systematic unity in accordance with reason's command, reason seeks this unity on the basis of the principles that it has self-legislated from reason's regulative principle. As such, reason can only 'look upon itself' for the command to strive towards systematic unity since the ideal that it proposes rests on reason's postulating capacities. Ideas, maxims, and postulates of reason — each of which are formed out of reason's regulative principle — offer normative guidance for the systematization that reason seeks. In short, any principle that could properly guide reason exists nowhere other than in reason itself.

Autonomous thought is thus connected to the prescriptive force of reason's regulative principle. Indeed, autonomous thought is expressive of this principle itself and the normative guidance that it provides. Since all subsidiary rational principles are derived from reason's regulative principle, and autonomous activity is defined as those

grounded in principles of reason, this regulative principle appears to be the basis for all autonomous activity. As Kant writes, “it is requisite to reason’s lawgiving that it should need to presuppose only *itself*, because a rule is objectively and universally valid only when it holds without the contingent, subjective conditions that distinguish one rational being from another” (*CPrR* 5:21). But in order for reason to ‘presuppose only itself’, it must formulate these laws with reference only to its regulative principle. Indeed, laws derived from some other principle would not only be heteronomous, but would also lack the authority that reason substantiates in deriving its normative guidance from this regulative principle.

Kant often writes of the dichotomy between autonomous and heteronomous activity in competitive terms. These two distinct bases for thought and action are opposed not only in what each recommends, but also in the validity of their prescriptions. Heteronomous activity is valid to the extent that it identifies, for example, the means by which a desire can be satisfied. But the authority of autonomous activity is not granted by such external measures. Rather, and in an attempt to argue that autonomous activity can viably compete with the principles of one’s impulses or desires, Kant claims that reason substantiates its own authority through the process of critique. Through critique, reason grounds its own authority while also legitimizing the normative force of reason’s regulative principle.

Kant often characterizes reason’s capacity for critique in judicial or scientific terms. For example, he writes that,

Reason, in order to be taught by nature, must approach nature with its principles in one hand, according to which the agreement among appearances can count as laws, and, in the other hand, the experiment thought out in accord with these principles—in

order to be instructed by nature not like a pupil, who has recited to him whatever the teacher wants to say, but like an appointed judge who compels witnesses to answer the questions he puts to them. (*CPR* Bxiii)

Reason approaches the understanding in purely normative terms, as derived from the command of its regulative principle to strive toward systematic unity. But reason also judges and experiments on these principles by self-reflexively examining them. As Kant writes, reason requires “a system of precautions and self examination” in order to ensure that the normative principles that it prescribes are grounded solely in reason (*CPR* A711 / B739). Critique substantiates reason’s authority — and therefore its ability to appropriately guide thought and action — by initiating a process whereby reason regulates itself through negative instruction.

For Kant, the task of critique is for reason to establish its authority through self-examination. Kant writes that, in this self-reflexive process, reason determines its limits and its “common principle (*CPR* Bxxxv). The authority of reason is substantiated by submitting its principles to the unconditioned and necessary laws that it has legislated. In this process, reason “dismisses its groundless pretensions” by examining these laws in relation to reason’s regulative principle, which thereby guides reason by offering normative standards for thought and action (*CPR* Axii).

The authority of autonomous activity stems from reason’s capacity for self-reflexive critique and submitting itself and its principles to its own laws. As Onora O’Neill characterizes this point, “the warrant that we have for following and trusting such procedures is that they are always subject to self-scrutiny and correction” (PR 532). Through critique as a self-reflective examination in accordance with its regulative principle, reason demarcates its own limits and therefore substantiates itself as holding

the authority to provide proper normative guidance. In turn, critique establishes reason's common principle by identifying the origin of its regulative laws and subsequently determines reason's authority as contingent on this fundamental principle. Once more, and as seen in the process of critique, this common principle is framed as a categorical imperative on our cognitive activity.

For Kant, the authority of autonomous thought and action rests on reason's ability to provide normative guidance to itself. Reason must continually subject itself to its own laws, on the basis of this regulative principle, in order to both ensure that its principles are derived from reason and that these principles are normatively authoritative. As such, this regulative principle guides thought and action not only by advising the understanding, but also in relation to reason itself by ensuring that rational principles continually provide unconditional, *a priori* guidance. Through critique, reason's regulative principle acts as a categorical imperative by placing unconditional requirements on reason itself, and ensures that all subsidiary rational principles are grounded in fixed and universal laws. Kant often writes that reason is susceptible to — and in need of — guidance. But by regulating itself on the basis of unconditional principles, reason distances itself from the subjective conditions to which it is otherwise liable.

At this point, Kant has given two iterations of reason's regulative principle that lend themselves to a reading that make it amenable to interpretation in light of the idea of a categorical imperative. In the preceding section, reason's regulative principle was read as a categorical imperative on the basis of its unconditional normative prescription to endeavour towards systematic unity. But in Kant's notion of critique, we find that this principle also applies to reason itself, where its boundaries are given *a priori* and reflexively by submitting itself to its own regulative principle. As Sasha Mudd writes, "if

the command to seek systematic unity is a categorical imperative, it will be a necessary requirement on our cognitive practice. This means that ‘seeking unity’ will accurately describe what we do when we *successfully* cognize nature, and will *also* specify what we *ought* to do when we aim to cognize it” (Mudd 93). Reason’s regulative principle guides reason both in its normal functioning and also in judging and assessing these everyday processes through critique. But in addition to the role of reason’s regulative principle in the activity of individuals, it also plays a part in Kant’s writings on collective uses of reason.

2.4 TAKING STOCK

This discussion of a common principle of reason suggests that Kantian reason is deeply connected to a categorical imperative. First, this was seen in Kant’s discussion of reason’s regulative principle, which establishes an unconditional prescription to strive towards systematic cognitive unity. Here, I discussed this regulative principle as imposing normative requirements on thought and action by commanding all cognitive activity in accordance with necessary laws.

This reading of reason’s regulative principle as a categorical imperative was also seen in Kant’s discussion of autonomy. In particular, I emphasized the necessary role of critique in establishing the authority of reason in providing normative guidance. Kant claims that, in order for principles of one’s reason to be sufficiently autonomous to properly guide thought and action, reason must judge itself against laws born from its own regulative principle. Reason thereby comes to ‘dismiss its groundless pretensions’ that fail to properly formulate these laws in accordance with the unconditional and necessary command of reason’s regulative principle. In short, reason is guided by a categorical

imperative to both operate and discipline itself on the basis of a principle that places unconditional demands on all cognitive activity.

But Kant also claims that this regulative principle is what allows human beings to use reason to its fullest capacity. Indeed, Kant claims that only once we take heed of its regulative prescriptions is reason used as a complete and robust faculty when he writes:

The first mistake that arises from using the ideas . . . not merely regulatively (but contrary to the nature of an idea) constitutively, is that of lazy reason (*ignava ratio*). One can use this term for any principle that makes one regard his investigation into nature, whatever it may be, as absolutely complete, so that reason can take a rest, as though it had fully accomplished its business. (*CPR* A690 / B718)

For Kant, this regulative principle is what allows reason to vindicate itself and rise to its status as ‘the highest human faculty’, since it holds an unconditional and normative sway on all subsidiary cognitive activity. Whether in thought or in action, to use one’s reason is to adhere to a categorical imperative and the ideal unity that reason projects in its essential task. To use reason correctly, for Kant, is to realize that it is incapable of ever ‘fully accomplishing its business’ since it operates, improves, and seeks perfection on the basis of a normative prescription to endeavour towards an unattainable end. Indeed, it is likely as a result of this fact that reason is so well-equipped to grapple with issues that, in its absence, would seem to lack any clear or empirically-evidenced answer — a benefit that is seen explicitly in reason’s role in civil debate and collective communication at large.

2.5 THE *SENSUS COMMUNIS*

In his third *Critique*, Kant writes of the *sensus communis* — common or public sense — as an exercise in adopting maxims that regulate thought and communication. In his discussion, Kant outlines three maxims of reason that serve as unconditional principles that guide public debate. The first maxim, to think for oneself, is both prescriptive and proscriptive. It asks that those engaged in public deliberation form their judgments solely on the basis of reason, while also ensuring that such judgments are not influenced by any external authority. While this first maxim is overtly tied to Kant’s notion of autonomy and reason’s capacity to guide human activity on the basis of unconditional principles, it also establishes a certain degree of pluralism required for civil debate. That is, by ensuring that the views presented therein are autonomously formed, public deliberation that endorses this maxim will encourage independent judgments on the matter at hand. Conversely, were individuals able to ground their views in authorities other than reason, there would be no assurance that the views of one individual were not mere reiterations of the view endorsed by that authority. O’Neill frames this point by noting that “if there is to be genuine communication and debate, all parties must be guided by such a maxim; otherwise understanding and agreement will be spurious, mere echoing of what the other or the many assert” (*CR* 46). This first maxim promotes genuine debate by creating space between each presented view in asking individuals to think autonomously, while also verifying that these judgments are self-standing, thereby placing a pragmatic restriction on the quantity and quality of each view presented in public debate.

Kant writes of the second maxim, to think from the standpoint of everyone else, that it asks individuals to both “detach [themselves] from the subjective conditions of [their] judgment” and to furthermore “[reflect] upon [their] own judgment from a *universal* standpoint” (*CJ* 294n). This universal perspective can only be taken in the attempt to

understand the judgments and communication of others. This maxim further promotes open debate by ensuring that individuals speak to and not simply past one another as they would had they failed to detach themselves and their views from their subjective considerations. Once every individual takes this universal standpoint, debate proceeds in the absence of conditional judgments that detract from the matter being discussed. Individuals who have come to reflect upon their judgments on the basis of this universal standpoint come to recognize whether or not their judgments are grounded in principles that could be accepted universally. Indeed, this second maxim seeks to restrict the subject of debate by eliminating subjective considerations in favour of universally acceptable judgments. This second maxim also restricts the pluralism within public debate by asking individuals to abstain from citing conditional principles that differentiate them from other members of the public when forming their judgments. In conjunction with the first maxim, Kant's view of public debate outlines a degree of pluralism defined by autonomous judgments that could be accepted universally by each deliberator.

The third maxim enjoins those engaged in public debate to think consistently with oneself. Most readily understood as an amalgamation of the first two maxims, this maxim prescribes that individuals ought to aim to construct the judgments that they form and present publicly into a coherent picture. Kant's characterization of this maxim echoes his view of reason's regulative principle in the first *Critique*, emphasizing the active striving necessary to establish coherence in judgments and understanding in the aim of achieving a systematic consistency in relation to each. Unlike reason's endeavour towards an ideal of unity, however, Kant claims that the third maxim of reason can be not only followed but properly achieved (*CJ V*, 295).

Kant writes that the three maxims of reason allow the *sensus communis* to properly "weigh its judgments with the collective reason of man-kind, and thereby avoid

the illusion arising from subjective and personal conditions” (CJV, 294-5). These maxims guide collective thought and communication by defining and monitoring the degree of pluralism in civil debate. When followed properly, they ensure that collective discourse is guided only by each individual’s autonomous use of reason. By grounding public deliberation in these maxims, Kant’s picture of open debate allows human beings, who would otherwise and predictably lack the coordination to do so, to communicate according to principles that all others can follow. As O’Neill writes, “on Kant’s account we think and act reasonably provided we neither invoke illusory capacities or authorities — that is what it is to take account of our actual resources and starting point — nor base our thinking or acting on nonlawlike, hence unsharable, principles” (VR 297).

Collective deliberation, for Kant, is grounded in the regulative principle of reason. As early as the first *Critique*, Kant had claimed that maxims of reason are mere subsidiary manifestations of reason’s fundamental principle. Each of these three maxims are the product of unconditional normative requirements placed on cognitive activity. The autonomous and unconditional nature of these constraints, as has already been noted, is tied to reason’s authority, its capacity for self-reflexive critique, and its ability to offer normative guidance on the basis of *a priori* principles. If these maxims are to properly guide public debate as Kant claims, then they must be grounded nowhere other than reason’s regulative principle, of which any unconditional constraint on the use of one’s reason is a product.

That they are grounded in reason’s regulative principle allows these maxims to function as Kant claims they do. In order for each maxims to provide these prescriptions with any normative force, they must be based in reason’s regulative principle. As O’Neill notes, “mere agreement, were it possible, would not have any authority. What makes agreement of a certain sort authoritative is that it is agreement based on

principles that meet their own criticism” (PR, 534). Read as a categorical imperative, reason’s common principle regulates the *sensus communis* by providing unconditional guidance on collective thought and communication. To the extent that these maxims are to properly guide collective deliberation, they must place unconditional constraints — indeed, purely regulative prescriptions — on thought and action in accordance with reason’s regulative principle. To engage in genuine debate is to abide by maxims formed out of a categorical imperative to unconditionally operate, improve, and coordinate on the basis of reason’s own normative standard. As I now turn to show, each of these instances of reason’s regulative principle properly guiding the individual, critiquing itself, and organizing collective communication come to bear on Kant’s conception of public reason.

2.6 THE PUBLIC USE OF REASON

Kant outlines his notion of public reason most explicitly in his short essay, “What is Enlightenment?”. Defined as “the human being’s emergence from his self-incurred minority [Unmündigkeit]¹” (8:35), Kant views enlightenment to be marked by the form of understanding exhibited by individuals and the societies to which they belong. In their minority, individuals frame their judgments with reference to various preestablished philosophical, religious, or moral doctrines. Unable to exhibit independent or self-standing judgments, the minor understands only with reference to external grounds of opinion and thereby use their reason, in Kant’s terms, heteronomously. Crucially, Kant’s view of enlightenment is quite different from what the term suggests in the modern day. Kant characterizes enlightenment as a process by which individuals learn to think in a

¹ *Unmündigkeit* has been translated variously in popular english editions of this essay; ‘tutelage’ and ‘nonage’

certain manner, rather than the end of becoming more critical, engaged politically, and the like. Whether as an individual or a collective society, to reach enlightenment is to abandon this manner of understanding and opt, instead, to think and act independent of these doctrines or more general precepts. Read simply, the autonomous use of reason is necessary for enlightenment.

Throughout the essay, Kant's tone suggests a general indignation towards this pre-enlightened use of reason, speaking in terms that suggest minors to be lazy and, in some places, outright cowardly. As he writes, "it is so comfortable to be a minor! If I have a book that understands for me, a spiritual advisor who has a conscience for me, a doctor who decides upon a regimen for me, and so forth, I need not trouble myself at all" (8:35). Kant takes issue with thinking and acting as a minor on account of the formal constraints that it places on one's use of reason. Namely, that in using these doctrines as an intellectual *crutch*, pre-enlightened thinking establishes a hierarchical and often oppressive relationship between the minor and their guardian. Kant highlights that the doctrine, texts, or individual(s) to which one appeals in the state of minority often have a despotic force on the type of judgments that the individual makes. Such influences, in his view, thereby become manifest as guardians over an individual's reason, serving as a filter through which evidence is absorbed and judgments are made.

Once again, Kant speaks of this guardian-minor relationship pejoratively. As he writes, "after [the guardians] have made their domesticated animals dumb and carefully prevented these placid creatures from daring to take a single step without the walking cart in which they have confined them, they then show them the danger that threatens them if they try to walk alone" (8:35). Whether or not these guardians are as malicious as Kant seems to suggest, he emphasizes the degree to which the security that they provide is an unjust restriction on the minor's ability to form independent and

autonomous judgments. In short, Kant's claim is that the minor-guardian relationship has a tendency to perpetuate a chain of command within the structure of the former's reasoning. Initially, the doctrine is insisted upon as dogma and thereby serves to restrict the range and types of judgments that the minor makes. Second, the abandonment of said doctrine is shown to have serious ramifications. Kant observes that this two-step initiation will, more often than not, allow the guardian to succeed in securing their position in this hierarchy. Thus, Kant writes that "it is difficult for any single individual to extricate himself from the minority that has become almost nature to him" (8:36). Indeed, even if someone were to succeed in doing so, Kant claims that they "would still make only an uncertain leap over even the narrowest ditch, since he would not be accustomed to free movement of this kind" (8:36). The difficulty that such individuals face, for Kant, is that they have not been 'accustomed' to using their reason autonomously. Not only this, but such individuals have neglected the three maxims of reason that Kant outlines. As such, their difficulty is twofold — there is the insecurity arising from having neglected to be guided by reason, while also the difficulty in having to now suddenly communicate with others on the basis of universal principles to which they are is unaccustomed.

While these opening paragraphs suggest some substantial reservations about the minor-guardian relationship, specifically for the condition under which it places the former, Kant remains optimistic that human reason alone may be enough to dissolve such hierarchies. Kant claims that, at any point in time, there will be independent thinkers who manage to achieve enlightenment single-handedly — those who "succeeded, by their own cultivation of their spirit, in extricating themselves from minority and yet walking confidently" (8:36). Kant suggests that even former guardians would become advocates, ask that others follow suit and "disseminate the spirit of a rational

valuing of one's own worth and of the calling of each individual to think for himself" (8:36). Crucially, Kant distinguishes this reformatory enlightenment process from mere revolution which, at least historically, has served only to replace prior doctrine and therefore cannot be the basis for enlightenment thinking. Rather, the public collectively and deliberately begins to enlighten itself — a process that Kant views as being "almost inevitable, if only it is left its freedom, and indeed the least harmful of anything that could be called freedom: namely, the freedom to make *public use* of one's reason in all matters" (8:36-7; emphasis in original).

This freedom to use public reason is not merely one of access or ability. It is a freedom that is exercised in the structure, employment, and expression of one's reason. For Kant, it is not enough that citizens merely hold this liberty, since the freedom that he views as necessary for enlightenment is manifested in its use. Namely, to use one's reason "*as a scholar* before the entire public of the *world of readers*" (8:37; emphasis in original). Kant's characterization of this freedom emphasizes both the independence of public reason from any individual doctrine and the wide audience to whom such judgments are properly directed. This restriction of broad social reform to freedom of the pen naturally leaves much to be desired. But at its core, Kant's description of liberating oneself from the minor-guardian relationship concerns the freedom to make autonomous use of one's reason in all matters.

Kant provides an important caveat to his conception of public reason, claiming that this freedom may not be appropriate in all situations. There are going to be instances in which an individual, as a result of the office that they hold, is restricted to the *private* use of reason when occupying their position. A state official, for example, may permissibly have their freedom to use public reason restricted in order to ensure that her post is executed properly and efficiently. Holders of such offices, Kant writes,

“must behave merely passively, so as to be directed by the government, through an artful [künstliche] unanimity, to public ends (or at least prevented from destroying such ends)” (8:37). But these same individuals may exercise the freedom to use public reason when they are not fulfilling the duties outlined by their office. To use Kant’s example, it would be detrimental to the state if a general, upon receiving an order, were to debate his superior on the validity of the military chain of command. As Kant writes, however, the same general “cannot fairly [billigermaßen] be prevented, as a scholar, from making remarks about errors in the military service and from putting these before his public for appraisal” (8:37).

One of the difficulties that arise from this short essay is trying to establish where, precisely, this freedom comes from. One option is that the freedom to make public use of one’s reason is afforded by the state. Recalling that this freedom is a necessary and sufficient condition for enlightenment, it seems as though any state agenda that disbands (or has the potential to disband) the minor-guardian relationship would thereby become a law that affords citizens such a freedom. Freedom of speech, expression, or association, for example, appear to be laws that would curate the enlightenment process by indicating to the population at large that they need not speak, act, or live as their guardian suggests. Alternatively, it may be the case that the individual provides this freedom to herself by emancipating herself from the state of minority. While Kant is aware that this is a difficult process to undertake as an individual, he remains optimistic that the success of even one individual should prove sufficient to circulate through society at large. As such, individuals afford themselves this freedom by rejecting the minor-guardian relationship and beginning to use their reason autonomously. But this freedom to use one’s public reason may also be granted by an amalgamation of both state and individual action — perhaps we would say that a society grants itself this

freedom. It may be the case that this freedom is granted only once individuals and state agenda broadly agree on the enlightenment project. In such cases, it is not only the individual who grants this freedom to themselves by beginning to think independently, but it becomes endorsed, politically, in the liberties that cohere with the more general and fundamentally liberal values of the society in which they live.

Kant appears to be speaking of this latter reading of this freedom as an amalgamation of individual and state liberty. This reading coheres with the text, in which Kant often characterizes the enlightenment as a collective rather than an individual or strictly political end. Moreover, Kant's framing of public reason as a 'scholarly' expression addressed to a 'world of readers' seems to suggest that this freedom is not restricted to state borders. It seems compatible with Kant's view that one's use of public reason could reach members of other nations, and thereby 'disseminate the spirit of a rational valuing of one's own worth' past the borders of one's own country. This reading is also in line with Kant's claim that it is more plausible to expect a collective of individuals to reach enlightenment than as individual agents. While Kant leaves open the possibility that a few perseverant individuals can give this freedom to themselves, his optimism does not lie in a succession of one individual after another finding the freedom in themselves, but rather in the hope that once an individual has emancipated themselves from minority, the collective of which they are a part will take note and follow suit. As such, it seems as though this freedom is established as a collective society.

What can be said definitively about this freedom, however, is that it originates and is exhibited only through reason itself. Public reason is overtly tied to Kant's notion of autonomy and reason's ability to make self-standing judgments. Kant's characterization of public reason as directed towards a 'world of readers' suggests that these judgments are made and communicated in a manner that can be understood by

all, regardless of any subjective conditions that differentiate one reader from another. Here, there are clear parallels with Kant's writings on the *sensus communis*. Kant's claim that enlightenment consists in a calling of each individual to think for themselves mirrors the first maxim of reason explicitly. The second maxim of reason is also seen in this essay, where Kant asks that individuals make judgments that are absent of subjective considerations. Indeed, the audience to whom public reason is directed seems to embody the pluralism that characterizes Kant's writings on public deliberation by being both grounded in autonomous judgments and restricted to non-subjective considerations. As is the case in public deliberation, the public use of reason is characterized by judgments that are both autonomously formed and universally adoptable.

But Kant also clearly harkens back to his first *Critique* in this essay, claiming that the freedom to make public use of one's reason is to, ultimately, allow reason to make full, or at least greater use of its capacities. Kant seems to not only suggest that to make public use of one's reason is to be guided in thought and action by reason's regulative principle, but also in the fact that, at least some of the time, this freedom is granted through critique. First, to make public use of one's reason is to make judgments and to communicate on the basis of unconditional rational principles. Part of the indignation that Kant exhibits towards the failure to do so seems based in the fact that, as a minor, one makes judgments based on subjective and external authorities that one views as capable of guiding thought or action. But in the use of public reason — which is seen in the structure, employment, and expression of one's reason — the individual allows herself to be guided solely by reason as a regulative faculty. The form, use, and communication of judgments made by the public use of reason are each based only in

reason's regulative principle and all subsidiary ideas, maxims, and precepts to which it gives rise.

Equally important to Kant's picture of this freedom is the role of critique in the public use of reason. The role of critique in Kant's picture of public reason is twofold. First, critique is paramount to Kant's claim that enlightenment is initiated by those who "succeeded, by their own cultivation of their spirit, in extricating themselves from minority and yet walking confidently" (8:36). In order for the individual to succeed in this task, the principles of their reason must be subject to critique in order to recognize that those principles are grounded in external authorities. What is more, the individual's ability to begin using their reason 'confidently' is contingent on the authority of reason in the normative guidance that it supplies. Without substantiating the authority of reason through critique, individuals would remain hesitant to use principles of reason as the proper basis for thought and action. The process of critique is thus necessary for an individual to begin making public use of reason since only once reason submits itself to laws handed down by its regulative principle can the reason guide thought and action with the same authority as their guardian. But critique also offers the individual an initial realization that they *ought to* think and act by showing the various and manifold ways in which the doctrine to which they abide as a minor fails to cohere with reason's regulative principle. In short, critique is a necessary step if those who singlehandedly 'cast off the yoke of minority' are to do so successfully.

Kant's view of public reason once more highlights the role of reason's regulative principle by emphasizing its ability not only to guide and critique reason itself, but also to place rational constraints on collective thought and communication. Kant claims that part of what affords individuals the ability to escape the minor-guardian relationship is the capacity to make autonomous use of their reason. As such, to use one's public

reason is initially contingent on critique and reason subjecting itself to its own laws. In turn, individuals see the extent to which the laws or precepts by which they think and act constitute an improper use of their reason and eventually 'accustom themselves' to using the faculty freely. Second, public reason places certain constraints on collective thought and communication by ensuring that, as a result of one's escape from the minor-guardian relationship and the subsequent autonomous use of reason, the judgments made in the public use of reason are based in principles that can be adopted by all. The public use of reason is contingent on the individuals beginning to listen to the regulative principle of reason in all matters and adhering to constraints that it places on the judgments and communication that comprise civil debate.

2.7 CONCLUSION

In the aim of providing a condensed overview of 'Kantian reason', I have outlined the various ways in which reason's common principle is manifested in a variety of different contexts and uses of the faculty itself. In Kant's discussion of theoretical reason, this principle offers a regulative aim to endeavour towards a systematic unity of cognitions. Here, I drew attention to the regulative function of reason in providing normative guidance on the basis of an unconditional command. I then turned to outline the role of this principle in Kant's notion of autonomy and how the autonomous use of reason substantiates its own authority through critique. Vital to this discussion was Kant's notion of critique as a process whereby reason comes to examine itself on the basis of laws derived by reason's regulative principle. Moving away from individual reason towards collective debate, I outlined Kant's writings on the *sensus communis* and the three maxims of reason that serve to guide the conditions for open and public deliberation. Once more, these maxims serve to guide public discourse on the basis of

reason's regulative principle by placing unconditional, purely regulative constraints on the views presented by each individual. Finally, I offered a reading of "What is Enlightenment" on the basis of these prior considerations, outlining the various ways in which reason's regulative principle informs the public use of reason. As an amalgamation of theoretical, autonomous, and common uses of reason, enlightenment is understood as a collective beginning to listen to the regulative principle of reason by thinking, acting, and making judgments on the basis of principles that unconditionally guide the human being in all matters. As such, enlightenment is not only contingent on the positive freedom to make public use of one's reason, but also grounded in the human being's ability to *free oneself* from the guidance of conditional or constitutive principles that mark the minor-guardian relationship.

But by providing unconditional, *a priori* guidance for each variety and use of reason, this regulative principle offers a categorical imperative for thought, action, and communication of all stripes. Theoretical reason's capacity to normatively guide the understanding, reason's ability to guide itself through critique, the ways in which the *sensus communis* is based in unconditional maxims of reason, and the use of public reason as process by which a collective begins to listen to the authority of reason's normative guidance — each rest on reason's regulative principle placing unconditional, *a priori* constraints on the individual, their thought, and their collective relation to the reason of all others. In each instance, reason provides guidance in relation to an ultimate principle that assists human beings in using and improving reason as a basis for all activity. Ultimately, this chapter has aimed to provide a reading of reason's common principle that emphasizes the nature of the normative guidance that it provides, and the extent to which this single principle is capable of holding all further activity accountable to its own, unconditional necessity. In the aim of sketching a picture of 'Kantian reason',

this regulative principle offers a reading of Kant's work that lends itself to a broader view of reason's role in activity of all stripes, and how it is manifest in varied, often overlapping spheres.

Chapter 3: Rawls, Political Justification, and Public Reason

3.1 INTRODUCTION

One tenet of political liberalism is that the structure, function, and laws of the state ought to remain compatible with a broad range of beliefs and values. Citizens should be able to choose and live according to principles set out by their religious, philosophical, or moral doctrines. The question faced by constitutional democracies that enshrine this fundamental principle is how to most effectively coordinate itself, its deliberative processes, and its citizens in light of the pluralism by which such a society is characterized. What are the acceptable limits of the state's coercive powers when law and policy may conflict with truths set out by these doctrines? How does the state's recognition of a pluralistic citizenry change its approach to these powers when its central political values confront aspects of doctrines from which individuals are free to choose? Put more forcefully, how can a liberal democracy enforce laws that challenge the perspective of those whose comprehensive religious or moral doctrines may not always align with state-endorsed ends? In this chapter, I outline these themes as they became the focal point at various times in the work of John Rawls.

Rawls views these interrelated questions as settled by placing various constraints on particular facets of liberal democratic societies. The institutions, decision-making processes, and individuals to which such a state is home, Rawls thinks, are to be constrained by a mutual respect for persons defined as free, equal, and reasonable citizens. Here, I trace three broad steps in Rawls' thought in relation to this claim. First, and in order to establish some necessary background information, I outline some key claims made in Rawls' *A Theory of Justice* (1971) and his theory of justice as fairness therein. After this brief exegesis, I examine the practical turn in Rawls' thought, his transitional writings about the pluralism of liberal society, and his movement toward

practices of public justification. I spend some time on his doctrine of public reason, outlining the various constraints that he places on public political discourse among reasonable persons. I then focus on his definition of reasonable persons as the holders of two distinct virtues — one social and one epistemic — and why, according to Rawls, reasonable persons will unanimously accept the idea of public reason.

Finally, I trace these three facets of Rawls' thought — the practical turn, his doctrine of public reason, and his definition of reasonable persons — to his claim that any viable conception of justice upon which a modern constitutional democracy is based “does without the concept of truth” (*PL* 94). In this final section, I sketch the relationship between Rawls' practical writings and his notion of political legitimacy as binding on all reasonable citizens. I refrain from outlining particular criticisms against Rawls' use of legitimacy a democratic norm of justification, simply highlighting the various ways in which Rawls' view of political justification rejects the place of truth claims in public deliberation. This final section illustrates the various ways in which political legitimacy, as the benchmark for political justification, takes up the role of epistemic conceptions of truth in Rawls' picture. Overall, the aim of this chapter is to trace Rawls' writing on public reason, as well as his more general claims regarding citizens and pluralistic society, in relation to proper forms of justification within a state marked by reasonable pluralism between reasonable persons.

3.2 JUSTICE AS FAIRNESS AND THE PRACTICAL TURN IN RAWLS' THOUGHT

In *A Theory of Justice*, Rawls continues in a long lineage of attempts to reconcile two fundamental features of a liberal democratic society: freedom and equality. Traditionally, political theorists had framed the unification of these two moral doctrines as a ‘balancing act’, asking to what degree one could be preserved while retaining the full

force of the other. These attempts often appealed to, or at least remained compatible with, common moral intuitions about daily life in the democratic state. Where Rawls breaks from this traditional methodology is in his decision to unite freedom and equality through a political framework that enshrines both values simultaneously. For him, the underlying principles of modern constitutional democracies are grounded in a mutual respect for persons that take freedom, equality, and other moral doctrines to be settled by a single question: “what is the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal, and as fully cooperating members of society over a complete life, from one generation to the next?” (*PL* 3).

For Rawls, the answer to this question, and others related to it, is his theory of justice as fairness. In the opening lines of *A Theory of Justice*, Rawls writes that, “justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust” (*TOJ* 3). Similar to the relationship between a theory and its truth, Rawls emphasizes the association between what is just and what is fair about social and political institutions. This relationship is nicely summarized by Thomas Pogge, who writes that, for Rawls, “a social order is to be accepted as *just* if and only if it could be the object of a *fair* agreement — of an agreement that takes equal account of the interests of all the individuals who are to live under this social order” (Pogge 66; emphasis in original). This relationship remains at the fore of Rawls’ project as he formulates normative guidelines for the arrangement of a well-ordered constitutional regime. In doing so, he offers a set of basic principles upon which such a state is to establish itself, its institutions, and its relation to its citizens.

For Rawls, the link between justice and fairness is manifest most prominently in the basic structure of society — the constitution and other sets of legal, economic, and social institutions that guide one’s life in the democratic state. As he writes, “taken together as one scheme, the major institutions define men’s rights and duties and influence their life prospects, what they can expect to be and how well they can hope to do. The basic structure is the primary subject of justice because its effects are so profound and present from the start” (*TOJ* 6). But in addition to its broad prevalence in the lives of each citizen, the importance of a just basic structure also stems from the fact that such institutions can permit the state in making use of its coercive powers. It defines the life prospects of citizens in general by awarding and securing certain rights and freedoms, while also negatively enforcing a society in which certain actions — including those that take these rights away from others — are prohibited. The basic structure remains the subject of justice throughout Rawls’ work, later justifying its importance by writing that “we enter it by birth and leave it only by death” (*PL* 12).

Since it is imperative from the standpoint of justice that the basic structure is just, Rawls identifies a number of principles and requirements that a liberal deliberative democracy ought to accept when constructing its institutions and the political relations therein. Paramount to making these decisions fairly, for Rawls, is the original position. In forming the basic structure, each citizen is to imagine that they are represented, at the outset of this deliberative process, by delegates who decide which principles of justice, terms of social cooperation, and form of government under which the state should function. Well aware of the difficulties inherent in having a society of rationally self-interested actors decide what is not only best for themselves but best for all citizens, Rawls insists that this hypothetical deliberation ought to be conducted from behind a veil of ignorance. We are to imagine that these representatives know nothing of the social

position, ethnicity, gender, sex, natural endowments, or comprehensive doctrines of their respective citizens (*JAF* 15). Nor do they know the current social order, economic class structure, or development status of the society of which their citizens are a part. What these representatives do know is that citizens differ in the conceptions of the good and comprehensive doctrines that they endorse, that the society functions under conditions of moderate scarcity, and general facts about common human reason. As Pogge nicely summarizes Rawls' view, the original position serves as a "meta-criterion" of justice, whereby citizens come to view its procedure as "the morally best public criterion of justice" (Pogge 42).

Crucially, this limited knowledge does not commit Rawls to the view, similar to the one held by David Gauthier, that these representatives are engaged in a 'hypothetical negotiation' about these social and political institutions. It is rather that, by knowing these few basic facts, representatives are sufficiently capable of conducting a hypothetical deliberation that serves the complementary interests of each citizen. Rawls provides three of these interests. The first two relate to the two moral powers that Rawls attributes to citizens generally — the moral capacity to form a reasonable conception of justice viewed as a fair scheme of cooperation and the rational capacity to form a conception of the good. From within the original position, delegates do not know how these two moral powers are used by each citizen. They only know that each citizen has a corresponding, higher-order interest in being able to exercise these powers fully. Representatives know that each citizen seeks to form a reasonable conception of justice and their own conception of the good, however the resulting exercise of these powers might look. The third interest known of all citizens is that they wish to live in accordance with the conception of the good that they endorse.

With this limited knowledge, parties in the original position serve their respective citizens well by choosing options that best serve these three interests. Under conditions of uncertainty, these delegates choose on the basis of interests that guide deliberation even when they do not know how these interests will come to bear for each citizen. The outcomes of this deliberation will be just, Rawls claims, since each of these representatives have access to identical information about the citizens they represent and the parity between them. As Pogge writes, “each contractor must reckon with any possible combination of natural endowments, the balancing of interests is accomplished not through negotiations among parties but through identical deliberations by each” (Pogge 66).

Rawls’ argument for choosing behind the veil of ignorance is straightforward: whatever principles chosen by these representatives from behind the veil of ignorance as those that ought to inform the basic structure are just since, in the process of deliberation, no delegate can know that one particular scheme of social cooperation would leave her assigned citizen best off. No representative can advance a system of cooperation that places one citizen in the top socioeconomic class because they lack the information necessary to ensure such a status for their particular citizen. From behind the veil of ignorance, there is no way of knowing what the eventual social or economic status of particular citizens will be at the end of the deliberative process.

Rawls claims that each citizen would nevertheless be satisfied with the outcomes of this hypothetical deliberation since these representatives are engaged in maximin reasoning. That is, they strive to maximize the minimum level of primary goods — rights, liberties, powers, resources, and level of self-respect — that their respective citizen is guaranteed, regardless of their eventual social position. By establishing equally motivated and symmetrically ignorant actors, the veil of ignorance ensures that

this deliberation is fair since these representatives each aim to guarantee that their citizen is sufficiently taken care of without knowing that citizen's ensuing socioeconomic status. By employing the maximin rule in their deliberation, these representatives come to agree on sociopolitical orders that can be trusted to ensure that the interests of citizens are secured when those orders meet these hypothetical expectations. That which is chosen is deemed fair on the basis that it was decided upon regardless of the eventual socioeconomic position of single citizens, and is deemed just because it was conducted with due consideration to the possibility of being among the least-advantaged by the chosen scheme. As Alvin Goldman puts the point, the original position is "an ingenious device for representing the notions of moral equality among individuals and the impartiality of rules of justice central to a moral point of view" (Goldman 845).

Moving to provide guidance on how to choose these institutions from within the original position, Rawls claims that citizens are to form a scheme of cooperation based on two principles of justice as fairness. As he writes, "these principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established" (PRG 10). These principles both provide and restrict the types of institutions to which Rawls' ideal society is home by providing normative criteria for the establishment of its basic structure. The first principle of justice states that "each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others" (TOJ 53). This principle places a *check* on the awarded scheme of basic rights and liberties by ensuring that the set has been adjusted to — and is capable of — providing a similar scheme to all citizens. The first principle offers little guidance for the choice over and between particular basic liberties, but rather directs deliberation over the entire scheme by ensuring that the security and extent of these rights are equal for all

citizens. Each citizen must, to the same extent, be able to use these liberties freely and have them protected when they are thwarted from doing so. As such, this principle can be violated in multiple ways. Perhaps one liberty is simply incompatible with the security of that same right for others. Alternatively, that right may, when exercised, infringe on the security of other rights within the scheme. In short, the first principle of justice directs deliberation over certain inalienable rights — it is concerned solely with basic liberties awarded to all citizens, and ensures that the scheme of such liberties is able to be protected and used to the same extent by all citizens.

The second principle of justice as fairness states that acceptable socioeconomic inequalities from the standpoint of justice as fairness must satisfy two conditions. First, they must be “attached to positions and offices open to all under conditions of fair equality of opportunity” (*PL* 271). The principle of fair equality of opportunity aims to establish, for all citizens, an equal worth of the basic liberties chosen on the basis of the first principle. In short, it dictates that these inalienable rights should be as valuable to one citizen as they are to the next. The principle of fair equality of opportunity achieves this equality of worth by insisting that the only justifiable form of socioeconomic inequalities are those that arise after these rights have been used and secured to the same extent. It is perfectly permissible for one citizen to gain a higher socioeconomic position, so long as those who vied for that same position did not fail to achieve it because there was a disparity in the use and security of these rights. In practice, the principle of fair equality of opportunity aims to ensure that careers and positions of influence are open on the basis of merit. A society in which this principle prevails should expect to see that the opportunities given to citizens are uniform across all socioeconomic demographics. Two citizens with identical talents and motivations should find themselves in the same realm of opportunities, regardless of certain, morally

arbitrary facts — such as hereditary class affiliation, race, gender, or religion — by which they are otherwise differentiated. The principle of fair equality of opportunity aims to, as Rawls writes, “[eliminate] the influence of social contingencies” (*TOJ* 64) on the security and extent of rights given under the first principle.

Second, the difference principle states that inequalities that impact one’s life prospects are justifiable only insofar as they are to the greatest benefit of the least advantaged when compared to any alternative scheme. Social or economic inequalities are just, for Rawls, when they leave the worst-off members of society better than they would be under any other potential scheme. Once more, Rawls claims that deliberation in accordance with this principle uses maximin reasoning, whereby citizens aim to create the best of all possible lowest socioeconomic positions. Crucially, Rawls insists that there is a lexical priority of the first principle over the second, and of the principle of fair equality of opportunity over the difference principle. We cannot justify socioeconomic inequalities by giving a greater, more extensive, or more secure set of rights to the worst-off members of society, nor can we accept inequalities based on morally-arbitrary facts by showing how these inequalities produce the best of all possible worst socioeconomic statuses.

Even through this cursory outline, we see that the structural, deliberative, and principled requirements that Rawls outlines in *A Theory of Justice* strive to offer a procedural picture of a just constitutional democracy. Informed by broadly egalitarian values, Rawls’ theory of justice as fairness affords a society based in a mutual respect for persons the theoretical infrastructure for building a modern constitutional regime. But in the years following its publication, Rawls began to shift his focus towards more practical, traceable issues that face liberal democracies *on the ground*. In short, he

diverges from his initial question of 'how a modern constitutional regime ought to look' to 'how such a state ought to run'.

In the time between *A Theory of Justice* and *Political Liberalism*, Rawls began to revisit his writings and their practical application. Much of what motivated this practical turn in Rawls' thought stems from what he calls the fact of reasonable pluralism. Within a well-ordered liberal democracy, citizens are going to endorse incommensurable but nevertheless socially and politically compatible comprehensive doctrines. For Rawls, the very idea of political liberalism arises, in part, from the fact that such a state is home to those who hold disparate religious, philosophical, or social beliefs. But the fact of reasonable pluralism also gives rise to certain, practical tasks for liberal political theory — namely, "to provide a shared public basis for the justification of political and social institutions [and to] help insure stability from one generation to the next" (IOC 1).

The problem, Rawls had noticed, is that there appears to be some tension between the fact of reasonable pluralism and the ideal conception of justice as fairness that he had defended. In *A Theory of Justice*, Rawls repeatedly reminds his readers that those who hold more conservative values are likely going to remain unconvinced by his arguments in favour of a society formed under principles of justice as fairness. Put more forcefully, one could argue that Rawls has failed to justify the fundamental structure of a liberal society to those who do not already wish to live more or less as he suggests they should. But in doing so, the society that he outlines comes to implicitly support the coercive powers of the state in enforcing principles, values, and political systems onto large groups of citizens who may disagree with them.

Not only is this the case for more socially and fiscally conservative citizens, but perhaps even for alternative strains of egalitarianism. Rawls' ideal conception of justice is, in part, one that seeks to maximize the minimum level of primary goods for each

citizen. But upon completion of the deliberation and once these goods have been distributed, they may very well conflict with the values of those who favour alternative metrics of egalitarian concern. Perhaps some citizens would be convinced by Elizabeth Anderson, Ronald Dworkin, or Samuel Scheffler, who each advance arguments that proper equality stems from capabilities over a whole life, purchasing power within a free market, and social rank, respectively. Citizens who agree with these arguments would nevertheless be forced to live according to principles of justice as fairness that, after having already distributed these goods, claim these alternative forms of egalitarianism to be arbitrary from the standpoint of justice. The practical turn in Rawls' thought can be read as an attempt to vindicate justice as fairness from conceptual tension within a liberal state premised on the fact of reasonable pluralism that implicitly denies the validity of a broad range of reasonable comprehensive doctrines. In reflecting on this period of Rawls' thought, Kent Greenawalt writes that "Rawls continues to be a strong defender of political liberalism, but in various respects his philosophical claims are more modest than those he offered in 1971, and the political life he recommends involves more accommodation to the diverse perspectives and ways of life one expects to find in liberal democracies" (Greenawalt 669).

Upon noticing this problematic feature of his theory, Rawls moved away from the comprehensive liberal theory offered in *A Theory of Justice* to focus on political liberalism. His work began to center less on the establishment of a society as chosen under egalitarian values to more diverse democratic contexts. He also began to write more extensively on the topic of political legitimacy, civic stability, and how reasonable persons are an integral part of the function of the state. Ultimately, the topics to which Rawls turned following *A Theory of Justice* attempt to answer the criticisms that his work was facing on account of the tension between the overt egalitarianism upon which his

theory relies and the fact that such values may not align with those endorsed by large groups of citizens.

Among his first attempts to grapple with this issue is Rawls' notion of an overlapping consensus. As a requirement to be met by fundamental political questions, an overlapping consensus is reached when "the political conception is supported by the reasonable though opposing religious, philosophical, and moral doctrines that gain a significant body of adherents and endure over time from one generation to the next" (*JAF* 32). An overlapping consensus executes the two practical tasks outlined above by both providing a purely public basis for these decisions while also endorsing terms of cooperation that are stable in light of a pluralistic citizenry. In short, a well-ordered society is going to maintain this broad consensus on the principles upon which its structure is based, since it is supported by the variety of comprehensive doctrines endorsed by citizens. As Patrick Neal summarizes Rawls' view, "in taking what is common, yet latent and inarticulate, and shaping it into a publicly recognized and practically utilized account of justice, a political conception would have contributed to social unity and stability by reminding us of the tie that binds" (Neal 81).

But while an overlapping consensus is realized when a conception of justice is endorsed by a plurality of citizens, Rawls is well-aware that not all public deliberation surrounds the establishment of these broader principles. Thus, he begins *Political Liberalism* by writing that "a main aim of *Political Liberalism* is to say how the well-ordered society of justice as fairness is to be understood once it is adjusted to the fact of reasonable pluralism and regulated by a political conception of justice" (*PL* xxxv-xxxvi). In the aim of providing normative guidelines for these more particular, day-to-day political questions, Rawls introduces his doctrine of public reason.

3.3 PUBLIC REASON

Rawls' doctrine of public reason places certain constraints on the types of justification that citizens of a liberal democracy can present when discussing matters of political import. In his view, it is vital to the success of democratic decision-making that the reasons we give to one another are formed, structured, and ultimately premised on the basis of guidelines that allow the option we advance to be acceptable to a plurality of citizens. For Rawls, when citizens debate political matters with reference to a conception of justice that all others view as reasonable, they substantiate the legitimacy of a political order within a state whose coercive powers would otherwise threaten the values and beliefs of many. In short, Rawls' doctrine of public reason states that, when political matters are being discussed, citizens ought to justify their stance on the basis of principles that all other citizens could endorse. Here I highlight Rawls' doctrine before turning to his claim that these constraints on the content, form, and broader underlying principles of public reason substantiate the political legitimacy of laws and policies.

Rawls provides two distinct justifications for the introduction of public reason into political discourse. The first is pragmatic — public reason is a means of circumventing the issues that foreseeably arise when a citizenry marked by reasonable pluralism converge to discuss political matters. Rawls claims that public reason ought to be used whenever fundamental political questions enter the public political arena, so that those with irreconcilable comprehensive doctrines can nevertheless come to agree on matters of political import. Second, public reason substantiates the political legitimacy of a chosen law or policy. This argument is made more robust in light of the particular facets of Rawlsian public reason, so I will return to it once his doctrine has been outlined.

Rawls' initial characterization of public reason does not distinguish between its scope and its constituency, claiming that the matters at issue in the use of public reason are confined to certain public roles — namely, “the discourse of judges in their decisions, and especially of the judges of a supreme court; the discourse of government officials, especially chief executives and legislators; and finally, the discourse of candidates for public office and their campaign managers, especially in their public oratory, party platforms, and political statements” (PL 443). In this initial description, the site of public reason is limited to what Rawls refers to as ‘the public political forum’ and its three settings. These matters are evidently discussed using public reason by the public-facing nature of these roles and the individuals that occupy them. As Rawls writes, “whether judges, legislators, and chief executives act from and follow public reason is continually shown in their speech and conduct on a daily basis” (PL 444). But Rawls quickly extends the scope, constituency, and site of public reason to citizens at large, claiming that citizens are to reason *as if* they were legislators in forming and conveying their opinions within the public political forum. Rawls is far less concerned with the constituency of public reason than he is with its more definitive deliberative constraints, claiming, rather broadly, that all reasonable citizens are bound to the constraints of public reason. I return to this claim in the forthcoming section.

Public reason — as it pertains to all citizens — applies to constitutional essentials and matters of basic justice. For Rawls, constitutional essentials can be of two types. They specify either “the general structure of government and the political process” or “the equal basic rights and liberties of citizens” (PL 228). The political matters that belong to these categories are those that are formed, revised, and settled in accordance with principles specifying their role in the basic structure. Broadly speaking, these are the types of matters towards which Rawls' two principles of justice are directed. Matters

of basic justice, alternatively, are settled by political values alone. These are matters that inform the distribution of resources not covered by the rights and liberties awarded by principles of justice. Thus, while constitutional essentials stand in relation to the basic structure, matters of basic justice are settled via background institutions by which all citizens can further be made equal. Rawls further notes that while the success of a set of constitutional essentials “is more or less visible on the face of constitutional arrangements and how these can be seen to work in practice” (*PL* 229), matters of basic justice are more difficult to judge. As he writes,

these matters are nearly always open to wide differences of reasonable opinion; they rest on complicated inferences and intuitive judgments that require us to assess complex social and economic information about topics poorly understood. Thus, although questions of both kinds are to be discussed in terms of political values, we can expect more agreement about whether the principles for the basic rights and liberties are realized than about whether the principles for social and economic justice are realized. This is not a difference about what are the correct principles but simply a difference in the difficulty of seeing whether the principles are achieved (*PL* 229-30).

While constitutional essentials are formed and awarded on the basis of guiding principles of justice, matters of basic justice may have to be settled by appealing to a reasonable political conception of justice that informs political values themselves. This implies, for Rawls, that the range of viable conceptions of justice upon which public deliberation can be based is defined by a standard of reasonableness. Matters of basic justice can only be addressed once the political values that inform them have been

shown to belong to a properly reasonable conception of justice. But this seems problematic, largely for reasons outlined by Martha Nussbaum. As she writes, “reasonable citizens should not be in the business of looking over the shoulders of their fellow citizens to ask whether their doctrines contain an acceptably comprehensive and coherent exercise of theoretical reason” (29).

While Nussbaum’s claim here is directed toward Rawls’ distinction between reasonable and unreasonable comprehensive doctrines, its argumentative force applies to this discussion of reasonable conceptions of justice. Her commentary poignantly highlights the need for some secondary criteria for deciding which of these available conceptions of justice are reasonable. She argues, however, that this is only a problem for Rawls if the notion of reasonableness at issue in these evaluations is a theoretical one. While Rawls gestures toward this interpretation at times, Nussbaum claims that we ought to read Rawls as speaking of reasonableness as an ethical, rather than a theoretical criterion. Rawls’ idea of the reasonable stems from a respect for fellow citizens. This respect is manifest in the idea of reciprocity — citizens are willing to live in accordance with standards that they would expect all others to accept as reasonable. Reasonable conceptions of justice are determined, rather plainly, by those that their fellow citizens could accept. We will know when a conception of justice is reasonable — and therefore capable of properly guiding our deliberation over matters of basic justice — when that conception could be accepted by all other citizens as reasonable.

Crucially, citizens are not held to the standards of public reason when discussing social, economic, or political topics other than constitutional essentials and matters of basic justice. Public reason need not be used in discussing the background culture, which includes groups, affiliations, and organizations that comprise the more general, non-political components of civil society. Moreover, some orders placed before the

public political forum may not concern constitutional essentials or matters of basic justice, in which case citizens need not justify their stance using public reason and are free to vote as they wish.

Rawls writes that, when citizens form, express, and alter their views about constitutional essentials and matters of basic justice as if they were legislators, they thereby come to exemplify the ideal of public reason and honour their 'duty of civility'. This strictly moral duty requires that citizens justify law and policy for which they advocate on publicly acceptable grounds and reasons. But this duty is more than a hypothetical prescription to deliberate in a certain way, for it contains the primary formal constraint of public reason — the criterion of reciprocity. In the use of public reason, any reason given to justify the political conception of justice that informs constitutional essentials and matters of basic justice must be regarded as *a)* most reasonable by those endorsing it and *b)* at least minimally reasonable to anyone else affected by it. In short, citizens must reasonably expect that others could reasonably endorse the terms of cooperation that they suggest. Others must also be able to accept them "as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position" (*PL* 446). The criterion of reciprocity is, for Rawls, a deliberative and justificatory extension of his notion of political legitimacy, which states that "our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions — were we to state them as government officials — are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons" (*PL* 446-447). Public reasons that satisfy the criterion of reciprocity and its standard of reasonableness, Rawls claims, will validate the political legitimacy of the views that they propose and defend.

Citizens satisfy the criterion of reciprocity by deliberating within a political conception of justice that they can reasonably expect all others to reasonably endorse. Rawls denies that a comprehensive doctrine — reasonable or not — will ever satisfy the criterion of reciprocity since such doctrines will inevitably fail to seem reasonable to all other citizens. Rather, the criterion is met by grounding one's judgments in purely political, and therefore ethically reasonable principles. As Rawls writes at the outset of *Political Liberalism*, “since the political conception is shared by everyone while reasonable doctrines are not, we must distinguish between a public basis of justification generally acceptable to citizens [...] and the nonpublic bases of justification belonging to the many comprehensive doctrines and acceptable only to those who affirm them” (*PL* xix).

Given that any political conception of justice must satisfy the criterion of reciprocity in the public use of reason, there are implications for the content of public reason as Rawls outlines it. Rawls suggests that the content of the principles that guide the use of public reason is going to depend on which reasonable conception of justice is endorsed by individual citizens. While Rawls favours a conception of justice as fairness that would decide on these principles from within the original position, there are many other possible conceptions of justice that give rise to their own political principles. As such, the content of public reason, which consists in principles of a political conception of justice, remains ecumenical. Rawls writes that “there are many liberalisms and related views, and therefore many forms of public reason specified by a family of reasonable political conceptions” (*PL* 450). These principles will vary between individuals and societies in relation to the political conception of justice that they endorse. Consequently, whether or not a reason is properly public will rely heavily on

the political principles that a society views as reasonable — that is, whether each citizen would agree to live under institutions based in those values.

Rawls' theory of justice as fairness is, in his later work, to be understood as just one member of this family of political conceptions of justice that endorse a political relation between free, equal, and reasonable citizens. Rawls notes that the content of public reason will differ according to the reasonable conception of justice that an individual or a society favours. As he writes, "since these ideas can be interpreted in various ways, we get different formulations of the principles of justice and different contents of public reason" (*PL* 451). What is common to each of these contents, however, is that they hold citizens to the idea of reciprocity. Since any reasonable political conception of justice is contingent on viewing all others as free and equal, public deliberation under any member of this family must remain responsive to the fact that any other viable conception of justice may be reasonable to others. As such, the content of public reason is determined by any number of reasonable conceptions of justice grounded in the idea of reciprocity. The content of public reason will rely upon which among a family of reasonable political conceptions one favours, but membership in this family is granted on account of a conception's ability to remain at least minimally reasonable to all others.

Rawls claims that the content of public reason is further determined by non-political principles that offer normative guidance for broader civic virtues. In justifying one's views using public reason, "we are to appeal only to presently accepted general beliefs and forms of reasoning found in common sense, and the methods and conclusions of science when these are not controversial" (*PL* 224). Rawls, then, sets two standards by which the content of public reason is delineated. First, public reasons are informed by principles set out by one among a family of reasonable conceptions of

justice. Second, the discussion in which these principles are used as justification must also comply with widely accepted rules or norms of thought and action. “As far as possible”, Rawls writes, “the knowledge and ways of reasoning that ground our affirming the principles of justice and their application to constitutional essentials and basic justice are to rest on plain truths now widely accepted, or available, to citizens generally” (*PL* 225). The final section of this chapter returns to Rawls’ claim here, focusing on the epistemic bases for political justification and public reasoning.

There is some latitude in how the content of public reason is defined, since such reasons will vary in light of both the reasonable conception of justice and also the standards of thought and action upon which they are based. Rawls further claims that even comprehensive doctrines can be appealed to in the use of public reason in some cases under the following *proviso*: “reasonable comprehensive doctrines, religious or nonreligious, may be introduced in public political discussion at any time, provided that in due course proper political reasons — and not reasons given solely by comprehensive doctrines — are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support” (*PL* 462). The *proviso* states that citizens may justify their views by citing, but not by solely relying on their comprehensive doctrine. Crucially, Rawls denies that any reason that appeals to one or another comprehensive doctrine can be translated in this manner. Rawls again makes the distinction between the reasonable and the unreasonable as it pertains to comprehensive doctrines on the basis that only the former will exhibit a mutual respect for all citizens and can therefore be shown to support a reasonable conception of justice. Unreasonable comprehensive doctrines — those whose principles fail to exhibit a mutual respect for all others as free and equal citizens — will inevitably fail to meet the *proviso* and hence cannot be cited in public reason. Crucially, and to reiterate Nussbaum’s claim, Rawls is not asking us to

evaluate the reasonableness of the doctrines endorsed by each of our neighbours, for the idea of reciprocity will indicate which among them can be cited in the use of public reason.

The introduction of comprehensive doctrines does not alter the content of public reason since the *proviso* insists that, in such cases, citizens must nevertheless cite a reasonable conception of justice and rely on widely accepted norms of reasoning. One's comprehensive doctrine can be a means of reasoning publicly only insofar as it can be shown to support the principles outlined by a reasonable conception of justice. While Rawls refrains from placing concrete restrictions on the norms by which one's comprehensive doctrine is expressed, he writes that "[citizens] will normally have practical reasons for wanting to make their views acceptable to a broader audience" (*PL* 463), and will therefore abide by public norms of thought and argumentation.

Rawls cites former Governor of New York, Mario Cuomo, to illustrate the principles of public reason and its *proviso* at work. In 1984, Cuomo decidedly rejected proposed laws that would prohibit a woman's right to an abortion on the basis that his own, Catholic justification for their enactment could not be demonstrated to large portions of the population. Nor, he argued, should any other Catholic feel the need to oppose abortion laws on the basis of the teachings of the Church. As he then said, "As a Catholic, I have accepted certain answers as the right ones for myself and my family [...] As a Governor, however, I am involved in defining policies that determine other people's rights in these same areas of life and death" (Cuomo 20). Part of what makes Cuomo's statement resonate, for Rawls, is that it exemplifies a public political discourse that denies the validity of reasons that could not be accepted as reasonable by all those affected by the course of action that it favours. In Rawls' words, what Cuomo saw as a moral duty — the duty of civility — stems from his own respect for his fellow citizens,

each of whom are free and equal in their right to live in accordance with values that may not align with his own. Abiding by the norms of public reason when the relevant matters are being discussed takes shape in the form of a moral duty to verify that the coercive powers of the state are not imposed onto, but rather freely accepted by its citizens.

Rawls writes of his idea of public reason that it does not stand in relation to any particular policies or institutions, but is rather “a view about the kind of reasons on which citizens are to rest their political cases in making their political justifications to one another when they support laws and policies that invoke the coercive powers of government concerning fundamental political questions” (*PL* 476). Public reason does not guide the state towards any specific political, social, or economic ends, but affords its citizens the means of discussing these ends on the basis of judgments that all other citizens could reasonably endorse. A collective marked by the fact of reasonable pluralism can, by using public reason, remain importantly distinct from one another in the doctrines that they endorse, while also allowing these distinctions to temporarily dissolve when they converge as reasonable persons to discuss fundamental political issues. When the requirements of public reason are met, citizens wishing to express their judgments in and among the public political forum can be confident that their view is seen as reasonable by all. When citizens honour their duty of civility and seek the ideal of public reason, they nurture the society that an ideal of public political discourse represents.

Rawls aptly concludes his discussion of public reason by reflecting on the larger trajectory of his writings, conceding once more that the idealized deliberative democracy outlined in *A Theory of Justice* had failed to take seriously the fact of reasonable pluralism. In *Political Liberalism*, however, the ideal of a well-ordered society stems from a deep appreciation for the political lives of citizens when they converge on common

footing as free and equal persons. Ultimately, the Rawlsian ideal is one in which a society premised on the fact of reasonable pluralism supports a conception of justice that all others can reasonably accept. To the extent that such doctrines are consistent with democracy itself, public reason affords citizens the freedom to live as they wish, while allowing the society at large to progress toward acceptable, reasonable, and purely political terms of cooperation.

3.4 REASONABLE PERSONS

Rawls' definition of the constituency of public reason as the domain of reasonable persons may seem vague, if not slightly trivial. But this seemingly loose characterization is loaded with implications for public reason and its role in deliberative democracy. Rawls defines reasonableness, and distinguishes it from the merely rational, on the basis of two fundamental virtues by which reasonable persons are specified. First, they share a willingness to propose and abide by fair terms of cooperation when others do the same. Reasonable persons view, as justified to them, any norm that they view as reasonable for all to accept. Conversely, an individual is unreasonable when they offer and engage in the deliberation over a cooperative scheme premised on viewing all others as free and equal but are unwilling to meet the standards outlined by its terms once finalized. While she would lack the first virtue of reasonable persons, such an individual may nevertheless be rational in doing so. Rawls distinguishes the reasonable from the rational by the objects of each — rationality concerns principles of individual and collective good, whereas reasonableness surrounds moral claims to justice and conceptions of the good more generally.

Further distinguishing reasonableness from rationality, Rawls writes that “the reasonable is an element of the idea of a society as a system of fair cooperation and that

its fair terms be reasonable for all to accept is part of its idea of reciprocity” (PL 49-50). This first virtue of reasonable persons, which mirrors the idea of reciprocity as a willingness to live in accordance with fair standards that all others could be expected to reasonably accept, is not based in any rational self-interest. Persons who hold this virtue pursue a society formed under fair terms of cooperation with free and equal citizens not because it benefits them, but because it is a good in itself. Reasonable persons hold the moral sensibility and subsequent desire to decide on and engage in fair terms of cooperation based in the idea of reciprocity — whereas it may be perfectly rational, but positively unreasonable, for an individual to pretend to hold this moral desire only to abandon these norms when it benefits them. Hence, Rawls writes that “the reasonable is public in a way that the rational is not” (PL 53), since it specifies shared reasons, publicly recognized, that ground reciprocal social relations between reasonable persons.

Rawls’ idea of reciprocity — and its corresponding virtue — echoes a conviction found throughout liberal political theory. Charles Larmore, for example, writes that “if the principles of political association are to be rooted in a commitment to equal respect, they must be justifiable to everyone whom they are to bind” (*The Morals of Modernity* 141). Or take Jeremy Waldron’s much stronger claim that all liberal political theory is “committed to a conception of freedom and of respect for the capacities and the agency of individual men and women, and that these commitments generate a requirement that all aspects of the social world should either be made acceptable or be capable of being made acceptable to every last individual’ (Waldron 36–37). The idea of reciprocity, as Rawls refers to it, specifies the fundamental liberal value that the political legitimacy of a social or political order is granted by its acceptability to reasonable persons. The coercive power of the state is justified only when grounded in institutions and laws that

are morally acceptable to those asked to abide by them. This first virtue of reasonable persons thereby plays a positive role in the political legitimacy of a given policy by calling each individual to recognize the idea of reciprocity as the fundamental political justification for all political matters. It enforces a principle on each individual to recognize that what is justifiable to all is therefore justifiable to them.

Rawls' second virtue of all reasonable persons is that they exhibit a "willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime" (*PL* 54). Reasonable people recognize that the powers of reason and judgment are imperfect in the sense that, even when used correctly, these faculties can give rise to certain types of disagreement. Rawls provides a list of these 'burdens of judgment', including but not limited to the complexity and at times conflicting nature of evidence, disagreements about the weight of some forms of evidence over others, conceptual vagueness, and disagreement about relevant normative considerations (*PL* 56-7). Defined as "the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life" (*PL* 56), these various burdens of judgment are a source of disagreement between reasonable persons. But these hazards also arise from the fact that reasonable persons differ in the comprehensive doctrines that they endorse. Certain scientific evidence will look quite different to those who, for example, disagree about the state's responsibility to mitigate the effects of human-caused climate change. To some, certain statistics indicate a call for environmental reform. But those same statistics may fail to evoke any political motivation in others. Reasonable persons are those who recognize these disagreements as reasonable when they arise, while also seeking to mitigate their effect on public deliberation. In short, reasonable persons do not want to be lead away from

the matter at hand in order to debate the various burdens of judgment that they recognize as being inevitable in a society of free and equal citizens.

The second virtue of reasonable persons stems from the two moral powers exercised by free and equal persons. First, they exhibit the moral capacity for justice on the basis of a reasonable conception of political principles. As Samuel Freeman writes, it is “the power to understand, apply, and cooperate with others on terms of cooperation that are fair” (Freeman 54). Second, free and equal persons form and pursue a rational conception of the good. As mentioned in Rawls’ discussion of the veil of ignorance, these two moral powers offer a practical ideal for fair terms of cooperation insofar as we are responsible for ensuring that our system allows its citizens to exercise them.

Relatedly, Rawls writes that, “given their moral powers, [reasonable persons] share a common human reason, similar powers of thought and judgment: they can draw inferences, weigh evidence, and balance competing considerations” (*PL* 55).

Reasonable disagreements — defined as disagreement between reasonable persons — arise from the burdens of judgment and these variations in peoples’ uses of their faculties. There are a number of other matters about which reasonable people are expected to disagree, such as their comprehensive doctrines, but these quarrels are distinct from disagreements that arise from the burdens of judgment. In the latter cases, it is the uses of reason and judgment themselves that carry the possibility for disagreement over the value or validity of evidence or other similar burdens. Thus, reasonable people share the second virtue of recognizing when the burdens of judgment may cause disagreement and act to mitigate their effects on public discourse.

It is precisely because reasonable persons exhibit these two virtues, for Rawls, that they accept the idea of public reason. Since reasonable people are willing to abide by fair terms of cooperation when others do the same, they endorse the criterion of

reciprocity as a manifestation of this fundamental principle of legitimacy in public deliberation. Since they recognize that public discourse among reasonable people is complicated by the burdens of judgment, they accept the further constraints placed by public reason for its ability to mitigate the effects of these burdens when deliberating publicly. All reasonable people accept the introduction of public reason into public political discourse as it endorses these two virtues whenever fundamental political questions are at stake.

The constituency of public reason, then, is circumscribed by those that maintain these two virtues — one social and one epistemic. They share the social idea that those with whom they enter into a scheme of cooperation are similarly willing and able to abide by the specific terms of the eventual scheme. They endorse the idea of reciprocity — as opposed to the extremes of pure self-interest or overt altruism — in the establishment of a just system. As Rawls writes, “this reasonable society is neither a society of saints nor a society of the self-centered” (*PL* 54), but rather a society grounded in the mutual respect for all others as free and equal deliberators. Second, they share the epistemic virtue of being both aware of and wishing to realize their political ends irrespective of the burdens of judgment that may plague debate between reasonable persons. Reasonable persons are humble in the presentation of their views, and in particular when they do not align with those of others. Not only are they aware that their conclusions may look different from those of their fellow deliberators, but they are willing to abide by the constraints placed on public discourse in order to mitigate these variations. Taken together, reasonable persons comprise the constituency of public reason, since only they maintain and endorse these virtues and the prescriptive force of each in directing individuals to think and act as public reason suggests.

It follows, then, that a citizenry of reasonable persons will unanimously accept the idea of public reason. But what else can their society confirm with such uniformity? Rawls often speaks of the political legitimacy of certain political orders on account of their being reasonably acceptable, but what happens when two equally acceptable orders are proposed? At this juncture, a tension arises between the values of political liberalism and the bases for reasonable persons. The nature of reasonable persons affords them the ability to better the state in which they live, but the nature of the state to which reasonable persons are home seems hesitant to claim that one course of action could be the *best*. The pressing issue, for Rawls and political liberalism at large, is whether political matters can be settled by epistemic criteria about which citizens might disagree. To what extent could a conception of truth enter into public debate, when citizens remain free to choose to live according to truth claims of their own?

3.5 LEGITIMACY AND POLITICAL TRUTH

It seems to follow from Rawls' definition of reasonable persons and their acceptance of public reason that, in lieu of truth, citizens view political legitimacy as the only proper basis for the enactment of a political order. Taken as a whole, Rawls' view of successful public deliberation lies not in what a people is epistemically justified in to choosing, but rather how any collective choice becomes politically legitimate. Since reasonable persons are expected to disagree about the burdens of judgment that complicate empirical standards of debate, they take, as sufficient for its enactment, a course of action that can be accepted by all reasonable persons. But the substitution of political legitimacy for truth also stems from the broadly liberal values endorsed by the first virtue of reasonable persons. Not only does a political order need to be justifiable to all, but justifiable to all *in the right way* — that is, as not imposed on the individual from a

coercive force other than that of a politically legitimate course of action. As such, reasonable persons, as Rawls defines them, seem to deny or at least devalue the role of truth in deciding on fundamental political questions. In order for political to be justified to a plurality of citizens, it must not employ or utilize principles and standards that cannot be used to offer a publicly recognized criterion of justification. Truth may be sufficient for a society stabilized by a notion of *modus vivendi*. But to the extent that justification is tied to public standards, truth is not suitable for public political argument. This seems to warrant the question: is it really the case that in *all* matters, the invocation of truth and facts is itself unreasonable or coercive?

Rawls' answer to this question relies on the two ways in which reasonableness guides political thought and action much in the way that truth guides epistemic justification. One manifestation of this relationship is found in Rawls' liberal principle of legitimacy, which dictates that "our 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" (*PL* 137). In short, a public decision is legitimate only insofar as it is grounded in one or another reasonable political conception of justice. But this relationship between reasonableness and legitimacy is also seen in the doctrine of public reason — "since the exercise of political power itself must be legitimate, the ideal of citizenship imposes a moral, not a legal, duty — the duty of civility — to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason" (*PL* 217). Here again, political legitimacy takes on the role of truth in public political matters by being the criterion by which a political course of action is said to be correct, right, or otherwise good.

Rawls' reliance on reasonableness as the criteria for political justification seems problematic for the same reason that the distinction between reasonable and unreasonable doctrines did. If the idea of the reasonable is a theoretical standard, then citizens are still forced to remain attentive to the political conception of justice that public justifications are using and renounce those views when they fail to meet standards of theoretical reason. However, following Nussbaum again, this does not seem to be the sense in which Rawls uses the term — it is an ethical idea grounded in the mutual respect for fellow citizens. We can know that a course of action is politically legitimate when it has been justified in such a way as to potentially be seen as reasonable by all other citizens. Rawls can ground political justification in a criterion of reasonableness and still retain a certain level of objectivity since the 'correctness' of a political order will be contingent on this mutual respect for each citizen. If there is such a thing as a political truth in Rawls' picture, it stems from the fact that a citizenry of reasonable persons will affirm the legitimacy of a law or policy that all others could accept on similar grounds.

Here we arrive at Rawls' claim that the political conception in which liberal democratic states are based "does without the concept of truth" (*PL* 94). In addition to the principles just outlined, Rawls' claim here stems from what, in this later work, he sees as the invaluable role of public reason in all political matters. Recalling the pragmatic justification he gives for the introduction of public reason, it seems right for Rawls to avoid truth claims in public political discourse. First, some truth claims are going to be contingent on the religious or moral doctrines by which citizens abide. The enactment of certain laws on the basis of their truth is going to implicitly deny the truth of the reasonable comprehensive doctrines that some citizens endorse. Following *A Theory of Justice*, Rawls views as unacceptable any political doctrine that does not allow

citizens to view the tenets of such doctrines as true. Moreover, we cannot justify political matters on the basis of truth since any conception of truth is going to rely on accepting some philosophical doctrine of epistemic justification. Just as is the case for religious views, a liberal society must leave space between its structure and its citizens, as well as between citizens themselves, in choosing which among such conceptions of truth they endorse. In either case, these are matters on which reasonable people are expected to disagree. Rawls leaves truth aside in public justification because he, at this point in his writings, realizes that truth claims themselves are a complex amalgamation of values, doctrines, and principles by which an individual abides. Indeed, were truth the ultimate factor in democratic decision-making, we would see many reasonable doctrines — those from which citizens must remain free to choose — be outright rejected by state action that fails to comply with them.

But Rawls' hesitance to introduce a comprehensive notion of truth into public deliberation also harkens back to the broader transition that his view underwent following *A Theory of Justice*. In part, the realization that his earlier writings outlined an unworkable theory arose from its assertions about the sort of values that are proper for choosing a society's principles of justice. Rawls repeatedly reminds the reader that a society based on principles of justice as fairness only works if one accepts the truth of broadly egalitarian values — many of those with political values other than Rawls' own are going to be left unsatisfied by his arguments. But in doing so, he designs a state in which the egalitarian values that he enshrines are at odds with many of the political convictions of those to whom such a state is home. In short, such a state is questionably coherent since it holds two incommensurable tenets: that it is to be structured on the basis of egalitarian values, and that such a state must allow for reasonable pluralism about the values upon which the state is structured. This

conceptual tension is brought to light in Rawls' ultimate claim that an egalitarian state premised on the fact of reasonable pluralism cannot tolerate the imposition of one true conception of justice over another. In his later work, Rawls takes heed of this criticism by claiming that the political principles on which liberal democracies are based do without the concept of truth, and must do so in order to relieve itself of this tension.

Rawls writes of his theory of justice as fairness that it "consists in a conception of politics, not of the whole life" (PRG 253). In response to the charge that he has blindly preferred a conception of justice that may not be accepted by a plurality of citizens, Rawls insists that what is true of the theory is circumscribed not by any doctrine of empirical justification, but rather by the political legitimacy of its prescriptions. Joshua Cohen's commentary on Rawlsian public reason uses this claim as its point of entry, arguing that Rawls' doctrine is amenable to a conception of truth that is purely political. As he writes, such a concept of truth "is classified as political because it can reasonably be endorsed as common ground for the purposes of consequential collective decisions" (Cohen 6). But for the Rawls of *Political Liberalism*, to claim that the theory is true is not to assert its correspondence or relation to facts, but rather to assess and relate itself to the prescriptive force that it imposes on the political lives of liberally minded, reasonable citizens. Normative prescription takes up the role of truth in the liberal state's ability to impose certain constraints on its citizens, since only a political conception of truth can be 'right' without denying the fact of reasonable pluralism and therefore restricting the set of comprehensive doctrines to which any reasonable citizen may wish to abide. Indeed, the action and thought guiding role of truth must be taken over by legitimacy in order to avoid exclusions that the imposition of truths inevitably bring.

2.6 CONCLUSION

This chapter has traced three parallel lines of thought in Rawls' practical writings. Some time was spent outlining the theoretical claims made by Rawls in *A Theory of Justice*, in order to both establish a background understanding of his theory of justice as fairness and the broadly egalitarian values by which it is informed. I then sketched the practical turn that Rawls' work underwent as he moved from a theoretical conception of liberal democratic society towards a state marked by the fact of reasonable pluralism. Next, I examined Rawls' doctrine of public reason as his attempt to establish constraints on public discourse over matters of justice that allow a pluralistic state to commence, conduct, and regulate genuine debate about fundamental political questions. I then moved to outline the constituency of public reason more directly through Rawls' definition of reasonable persons as holders of two distinct virtues, and how these virtues lead to the acceptance of a doctrine of public reason.

Each of these ideas — the practical turn, his doctrine of public reason, and the definition of reasonable persons — commits Rawls to a view of a just constitutional regime based on a conception of justice that does without a conception of truth. In turn, the strength of democratic decision-making takes political legitimacy as the ultimate grounds for the justified use of coercive power within the state. A policy, rightfully imposed, need not be true in the strict sense that it corresponds to certain facts or holds some objective status, but must be correct in the sense that all reasonable persons could be expected to accept the terms that it outlines. Ultimately, whether a law or policy is rightfully presented relies on its having been justified on the basis of principles that all reasonable persons could accept. As the forthcoming chapter will explore and show, Rawls' decision to substitute political legitimacy for truth in the public political forum contains further implications for the structure of public debate and the sociopolitical

orders on which a civil society can settle. I now turn to offer some arguments made by Rawls' commentators that question the use of political legitimacy as an epistemic standard and the extent to which his view of political justification requires the concept of truth in some capacity. What we can say prior to having outlined these criticisms is that, in light of our current climate, the conceptual resources that Rawls provides for establishing principled guidelines for public political discourse seem limited by the fact that they remain silent on the empirical verification of public reasons.

Chapter 4: The Role of Truth in Deliberative Democracy and Public Reason

4.1 INTRODUCTION

The notion of political legitimacy plays a vital role in theories of political liberalism. While these frameworks differ with respect to more specific normative claims and guidelines, each hold that, in order for law or policy to be legitimate, they must be accepted and justified on the basis of their acceptability to free, equal, and reasonable citizens. In a society marked by reasonable pluralism between citizens, this serves as the primary epistemic standard to which political orders are subject. Good, right, or otherwise correct political orders are those that, as Rawls writes, “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” (*PL* 137). There are some clear, practical benefits to employing such a principle. For one, political orders based in reasonableness alone are likely to be endorsed more quickly than they would had other, more demanding criteria been used to justify them. But the standard of political legitimacy also remains fundamentally compatible with the values of political liberalism in a manner that other epistemic standards do not. In particular, it supplies liberal democratic societies with a form of political justification that does without the use of truth — a contentious notion within a society in which citizens are free to endorse and abide by truths of their choice.

Within a society of reasonably differentiated citizens, the notion of truth is problematic for a number of reasons. First, the concept of truth and its manifold conceptions belong to, and are ultimately informed by, tenets and principles about which citizens are free to disagree. Religious truths will differ between sects, descriptive truths differ in relation to philosophical theories, and moral truths will be informed by, among

other things, broader normative principles by which an individual lives. There is also the issue of employing the notion of truth in political justification when, historically, the concept has been used to foster political division between citizens and weaken civil stability. To the extent we wish our political theory to prevent needless factions, truth should not enter into the framework of justification that the theory provides. But perhaps most pertinently, a form of public deliberation that uses truth as its overriding epistemic standard will violate some of the most essential tenets of political liberalism. As David Estlund nicely summarizes this point, “the moral ideal behind this principle is that no person can legitimately be coerced or morally obligated to abide by legal rules and arrangements unless sufficient reasons can be given that do not violate that person’s reasonable moral and political convictions, true or false, right or wrong” (IR 253). In addition to the argument that truth claims often confront doctrines from which citizens must remain free to choose, and the potential for truth to be socially divisive, truth also comes at the price of rejecting a principle that specifies the latitude that citizens are awarded in holding independent political and moral values.

Yet, a number of criticisms have been levied against Rawls’ arguments for avoiding truth claims in public deliberation. This chapter outlines one strain of these criticisms and the issues that Rawls’ picture of political justification consequently faces. I begin by tracing the issue of truth in a Rawlsian picture of democratic decision-making. Specifically, I outline the fundamental differentiating features of liberal democratic citizens that lead Rawls to claim that truth ought to be avoided in public political discourse. I then move to examine two prominent *internal* critiques made by David Estlund and Joshua Cohen, who dispute Rawls’ claim that truth plays no role in political liberalism and public reason, respectively. I focus specifically on these internal criticisms, which aim to resolve these tensions — and thereby improve political

liberalism's epistemic standards — from within Rawls' own framework. Both of these criticisms, I argue, place significant pressure on Rawls' picture of public deliberation by emphasizing the need for and the compatibility of truth in his work. However, I ultimately argue that neither Estlund nor Cohen pay close enough attention to the issues that lead Rawls to avoid truth in public debate. That is, once we begin to work through the practical implications of their views, neither writer offers an approach that remains consistent with some of the most basic values of political liberalism or the deliberative goals of reasonable citizens. I argue that, in practice, both approaches fail to offer a way forward without fundamentally conflicting with the doctrines and values that citizens are free to endorse and hence, neither have successfully incorporated a notion of truth into Rawls' work while retaining the fundamental features of the original framework. I conclude by briefly suggesting a way forward and that perhaps our attempts to embolden the epistemic component of Rawlsian public deliberation ought to be framed from within his idea of the reasonable.

4.2 PLURALISM AND TRUTH

It would be a mistake to regard the fact of reasonable pluralism as simply a burden on the democratic state. As early as John Stuart Mill, liberal political theory has enshrined a pluralistic citizenry for the social benefits of voicing a variety of perspectives and judgments. As he writes in *On Liberty*, “the only unfailing and permanent source of improvement is liberty, since by it there are as many possible independent centres of improvement as there are individuals” (Mill 65). The ability to understand those in other social positions, access to a greater and more extensive supply of information, and the capacity to reflect on novel conditions of the human experience — in collective decision-making, the products of a pluralistic society furnish our ability to grapple with complex

sociopolitical matters in a manner that remains unavailable to more homogenous states. At least partially, then, the benefits of a pluralistic society are epistemic. To the extent that we actively seek such things out, we can know qualitatively and quantitatively more when we converge to discuss sociopolitical issues. Such types of knowledge may include, for example, what a fair decision might look like, who that decision is endorsed by, and why those who favour its alternative(s) object to it. In such cases, the fact of reasonable pluralism garners collective knowledge — and knowledge about our collective — when engaged in public deliberation.

But a pluralistic citizenry is also ultimately an element of democratic society that presents some visible challenges to its decision-making processes. For Rawls, any state that endorses the values of a pluralistic society is committed to abiding by a form of public deliberation that abstains from employing the notion of truth. This, he argues, is a corollary of the nature and extent of the pluralism that differentiates reasonable citizens. First, as free to choose and abide by reasonable comprehensive doctrines, citizens are also free to live according to the truths supplied by their tenets. The religious, philosophical, or moral doctrines that citizens endorse provide them with certain claims that they deem to be true. To the extent that political liberalism must leave space between its institutions and the individual's freedom to endorse the reasonable comprehensive doctrine of their choice, it must also allow for wide variation in the truth claims made by citizens.

Citizens are also differentiated by their individual exercise of reason and judgment. Rawls claims that, even when used correctly, the employment of their faculties will differentiate citizens in relation to various 'burdens of judgment'. Among the list of these burdens that Rawls provides are *a)* that empirical and scientific evidence is complex and at times conflicting, *b)* that the weight we ought to attribute to some forms

of evidence is not always clear, *c*) that there is usually some degree of conceptual vagueness involved in evaluating difficult cases, *d*) that forms of evidence will look different to those who differ in broader political or moral values, *e*) burdens based on complex normative considerations, and *f*) that any decision is ultimately limited by the powers of the institution that enacts its corresponding political order (*PL* 56-57). Rawls notes that even truth claims not based in any comprehensive tenets are going to cause disagreements between citizens that differ in relation to these burdens of judgment. Two citizens with identical information may nevertheless disagree about the conclusions that can be drawn from them, let alone whether their respective conclusions ought to be considered true.

These two metrics by which reasonable citizens are differentiated indicate, to Rawls, that truth is hardly going to be the best standard for evaluating when a political course of action is the correct one to take. In the case of doctrinal pluralism, truth claims are entirely contingent on a wide variety of tenets and principles that citizens are free to endorse. Conversely, a plurality of judgments indicates that reasonable citizens may ultimately disagree about the truth of certain claims, even when they are reasoning with reference to identical information.

Rawls writes that the nature and degree of pluralism by which liberal democracies are characterized result from general facts about the “political sociology and human psychology” of its citizens (*DPOC* 234). To the extent that political liberalism affords individuals the freedom to endorse the reasonable comprehensive doctrines of their choice, citizens cooperate and coexist in accordance with social norms that award that same freedom to others. Those same citizens recognize that the use of their faculties are variable and fallible, and so acknowledge that their social and political judgments may differ from those made by their fellow deliberators. For Rawls, these two

metrics by which reasonable citizens are differentiated are deeply connected to the social world in which they live. These permanent features of democratic citizenship and the institutions that foster them demonstrate that the fact of reasonable pluralism “is not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy [...] it will persist and may increase” (DPOC 234-5). Aiming to retain the epistemic advantages of a pluralistic citizenry, and in light of the permanence of these social and political conditions, Rawls argues that public deliberation ought to be guided by a standard of reasonableness rather than truth. As he writes,

Once we accept the fact that reasonable pluralism is a permanent condition of public culture under free institutions, the idea of the reasonable is 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 for public reason, is exclusive, even sectarian, and so is likely to foster political division. (*PL* 129)

Rawls’ decision to avoid the notion of truth in public deliberation is both practical and preemptive. A society of pluralistic citizens that grounds its decisions in less controversial standards of justification is going to reach agreement far more expeditiously than it would if it permitted arguments based in claims about which individuals are expected to disagree. Not only is reasonableness a standard of justification that citizens can recognize and understand regardless of their doctrinal differences, but it also serves as a far less demanding epistemic measure. Moreover, Rawls recognizes that claims to truth in politics have historically been utilized to weaken

social unity between citizens and public policy. Reasonableness mitigates the potential for sociopolitical division since it lacks the despotic force that truth claims often have when utilized by officials and citizens alike. These reasons offer strong argument, Rawls claims, for using reasonableness as the standard of justification, and avoiding truth claims, when liberal democratic societies engage in public deliberation.

Some commentators deny these arguments on the basis that reasonableness is liable to the same issues that Rawls attributes to truth. For example, Joshua Cohen argues that reasonableness can be every bit as divisive as truth. He writes that, “though reasonableness is plural, only one can be the *most reasonable* [...] ‘most reasonable’ is as singular as ‘true’” (Cohen 30; emphasis in original). When engaged in public reasoning, citizens must argue with reference to the political conception of justice that they view as most reasonable. But the criterion of reasonableness may serve to divide citizens on the basis that their preferred political conception of justice is somehow less reasonable than those of others. We might also deny that using reasonableness as its epistemic standard would quicken a society’s deliberative process. Conversely, one could argue that without an external standard for choosing between them, democratic decision-making would come to a standstill when presented with equally reasonable options.

Alternatively, some critics of Rawls’ decision to avoid controversial claims to truth in public deliberation argue that Rawls is fundamentally mistaken in assuming that such claims could or should be avoided. Broadly speaking, these criticisms fit into one of two categories. Some offer what I would call *external* critiques — they argue against Rawls from outside of his particular theoretical and practical framework. In large part, external critiques aim to show that the epistemic implications of Rawls’ view leave us with a range of unintuitive consequences. Hélène Landemore, for example, argues that Rawls’

agnosticism about truth weakens the force of public decision-making by advancing a public discourse in which a chosen political order may or may not also be based in true claims (Landemore 277). Joseph Raz takes this sort of charge one step further, claiming that Rawls' decision to employ reasonableness as a standard of public justification implicates all public deliberation in a form of epistemic abstinence — it is perfectly compatible with Rawls' writings that, in practice, a law or policy could be based in false claims with no means for citizens to bring such epistemic problems to the attention of their fellow deliberators (Raz 15). These external criticisms, however, are not the topic of this chapter. Rather, and in the aim of productively enhancing Rawls' view of public deliberation, I focus on *internal* criticisms formulated by Estlund and Cohen, both of whom place considerable pressure on Rawls' avoidance of truth, and do so to the end of refining, rather than simply refuting, his view from within a Rawlsian framework.

4.3 THE ROLE OF TRUTH IN POLITICAL LIBERALISM

Over the course of his career, David Estlund has levied a number of criticisms against Rawls and political liberalism at large. Many of his criticisms function similarly by stressing that there are already important — if underlying — epistemological elements to Rawls' work. For example, Estlund argues that Rawls' idea of the reasonable contains certain epistemic criteria. On his reading of Rawls, the burdens of judgment are not simply the result of variable and fallible uses of human faculties, but rather indicate the epistemic failure of at least some citizens. For Estlund, the burdens of judgment represent a difficulty inherent in the unavailability of certain knowledge. The burden stems not from the likelihood that citizens may disagree even when they use their faculties correctly, but rather from the fact that one citizen cannot know how, in what sense, or to what degree the employment of their faculties will differ from others. Were

we to know how our fellow deliberators would read and interpret scientific data, for example, this arena of reasonable disagreement would disappear. As Estlund writes, “it can be reasonable to disagree, but unreasonable *knowingly* to disagree” (MTS 90; emphasis in original).

Estlund’s critical point here is that there is an epistemic component to the criterion of reasonableness that Rawls employs. For Rawls, the burdens of judgment outline various bases for reasonable disagreement. As such, reasonable persons remain reasonable even when they disagree about such burdens. But were citizens able to know whether and how these differentiating factors would distinguish themselves and their judgments from those made by others, these disputes would no longer be characterized as reasonable. Indeed, it would be positively unreasonable for citizens to disagree over matters that they are entirely equipped to discuss. To the extent that the only way of knowing which are genuine burdens is by ‘knowing what we can know’, there is already an important epistemic component to Rawls’ notion of the reasonable.

Estlund later applies this type of argument to Rawls’ liberal principle of political legitimacy. He claims that, in order to be acceptable to reasonable persons, the principle must contain an epistemic criterion other than its own acceptability. He begins by schematizing Rawls’ principle in the following form:

RAN (Reasonable Acceptance Necessary): No doctrine is admissible as a premise in any stage of political justification unless it is acceptable to all reasonable citizens, and it need not be acceptable to anyone else. (IR 254)

Estlund rightly emphasizes that, if this principle is supposed to apply to all instances of political justification, then it should also apply to itself. Rawls outlines

specifically moral reasons for abiding by this principle including, among others, its reflection of the idea of reciprocity and its ability to prohibit coercion based in the domination or manipulation of citizens. But if there are moral reasons for applying this principle to all further instances of political justification, why should those same reasons not apply to the principle itself? In Estlund's view, it is untenable for a principle that outlines the acceptance and rejection rights of reasonable citizens to be assertive if it, too, is not subject to the possibility of being accepted or rejected by them.

At this juncture, Estlund provides three possible options for the determination of this principle and its own legitimacy as a principle of political liberalism. We could choose to endorse a purely procedural political liberalism that avoids truth-based assertions altogether, therefore allowing the principle to hold on the basis of its acceptability alone. Alternatively, political liberalism could be dogmatic and insist that this doctrine is valid regardless of its acceptability to reasonable persons. The third option, which Estlund favours and outlines, is to provide some external criterion for this principle that makes it correct to reasonable persons without merely asserting its validity. As he writes, we ought to provide "an undogmatic substantive political liberalism in which no doctrine is available in justification unless it is acceptable to reasonable citizens, not even this doctrine itself (this makes it undogmatic), because such an acceptability criterion is true or correct independent of such acceptability (this makes it substantive)" (IR 256).

But there are some difficulties that arise when we try to justify RAN by its own lights. To outline, and eventually work around these issues, Estlund substitutes Rawls' reasonable citizens for a variable group. The principle now reads as follows:

AN: No doctrine is admissible as a premise in any stage of political justification unless it is acceptable to a certain range of (real or hypothetical) citizens, C, and no one else's acceptance is required. (IR 257)

First, there is the problem of self-exclusion. If AN applies to itself, then it must be acceptable to the specified group of C. In the case of RAN, which includes such a specification as 'reasonable citizens', it dictates that the doctrine must be acceptable to reasonable citizens. However, the acceptability of the principle — indeed, whether it can meet its own standard — will depend largely on how C has been specified. This causes the further issue that any specification of C that accepts AN will be an insular group.

Depending on how C is specified, there are two ways for the principle, AN, to be rejected. Of course, members of C may simply deny the validity of the principle. But they are also equally authoritative in denying the validity of how C has been specified. The important emphasis here is on the qualifier that 'no one else's acceptance is required'. To use Estlund's example, imagine that C is specified as a group of all redheads. As he writes, "they may or may not object to their own inclusion, but many would object to making acceptance by all redheads necessary for the admissibility of a doctrine into political theory for the same reasons the rest of us would. In that case, not all members of C would accept that instance of AN, and it would disqualify itself" (IR 258). In short, the only way for AN to avoid self-exclusion is to specify C so as to ensure that its members would accept it and the specification of C as a valid group for having the authority to do so. Hence, any workable specification of C will be an insular group — "each member of C must recognize the rejection rights of all and only the members of C" (IR 259).

The problem with insular groups is that there seems to be a multitude of ways to specify C, each of which makes them equally justified in holding that authority. This seems to leave Rawls with the odd consequence of defining C as reasonable persons, when the authority of reasonable persons is as valid as it is for any other arbitrary specification of C. How can Rawls argue for the authority of reasonable persons by the lights of a principle that only reasonable persons have the authority to accept or reject? Estlund argues that the only way around this seemingly arbitrary specification, and to avoid the insularity problem, is to commit to the truth of the original schematized version of RAN.

Estlund provides the following criterion for establishing the truth and the acceptability of RAN:

Modified Acceptance Criterion (MAC): With the exception of this doctrine, no doctrine is admissible or excluded as a premise in political justification on grounds of its truth or falsity, but is admissible just when and because it is acceptable to all reasonable citizens (and no one else's acceptance matters). The present doctrine must be both acceptable to all reasonable citizens and true. (IR 266)

According to this criterion, truth is necessary but insufficient for the admissibility of RAN. The acceptance criterion still affords citizens the authority to reject a doctrine, even when it is true. But it specifies that RAN must also be true in order to be acceptable. As Estlund writes, "rejection trumps truth. However, in the case of MAC itself falsity trumps acceptance, since even if it is accepted by every reasonable citizen it is inadmissible by its own lights if false, whether or not anyone knows it is false" (IR 267).

Crucially, the notion of truth underlying the acceptance criterion is not based in any specific conception or doctrine of truth. Citizens remain free to choose and abide by the truth claims set out by their religious and philosophical doctrines. Free to dispute the nature of truth and the truth of such claims, Estlund recognizes that citizens will likely disagree about whether the acceptance criterion is being met — those who endorse competing theories of truth will likely find themselves disputing whether MAC has been satisfied. But the promise of debate does not entail that the criterion is not met. Thus, Estlund writes that ‘political liberalism must admit the truth’, since the only way for its most fundamental doctrine to be tenable is for it to be asserted as true even when such a claim confronts comprehensive doctrines from which citizens are free to choose. Some citizens will be right, and others wrong, in their assessment of MAC’s truth.

Estlund writes that “in putting MAC forward as true, political liberalism would be committed to there being a normative political truth prior to acceptability to all citizens who are reasonable in the respects operative in political justification” (Estlund 268). The success of Estlund’s argument stems, largely, from its ability to utilize truth without endorsing any comprehensive notion of the concept. He rightly emphasizes the difference between claiming that a principle is true and claiming that a principle is true by virtue of its having been derived from a doctrine that specifies the truth of certain propositions, for example. Thus, Estlund’s amendment seems to incorporate itself smoothly into a Rawlsian framework by refraining from engaging with any philosophically robust notion of truth. According to the acceptance criterion, which cites only a vague notion of truth, “the appeal to truth is admissible so long as the view that the doctrines in question are true is itself beyond reasonable objection” (IR 269). Political liberalism continues to ground justification in the acceptability to reasonable citizens, but adds that the acceptance criterion and its specification of the authoritative group is true in a sense

and only to the extent that it does not directly conflict with the comprehensive doctrines that those same citizens are entirely free to accept. By accepting and incorporating Estlund's argument, political liberalism would establish the acceptance criterion of its most fundamental principle, without allowing truth to enter any further forms of public justification.

Estlund's approach effectively introduces truth into Rawls' framework of public justification. Indeed, if we accept his claim that the liberal principle of political legitimacy would otherwise exclude itself, then the introduction of some approximate and minimal notion of truth requires us to give up far less than we would without it. It seems like a small price to pay to retain the fundamental political justification of Rawls' theory. Of course, this approach is also preferable to its alternative, non-substantive or dogmatic versions of political liberalism. Estlund concludes by emphasizing that, while the introduction of this notion of truth may be too weak to serve us in political disputes, it makes a substantial philosophical difference to the theory itself — “the difference between an untenable and a tenable theory of political legitimacy” (IR 275).

Through this modest amendment, Estlund's argument applies significant pressure to Rawls' claim that democratic deliberation can function entirely without a notion of truth. As Estlund argues, the avoidance of truth commits Rawls to one of three unworkable positions — one untenable, one non-substantive, and one dogmatic. Emerging out of this trilemma by incorporating an acceptance criterion that is true only in some loose sense should seem like a victory for Rawls' theory. But we might also be given pause by his claim that the introduction of truth may not make any political difference. The approximate and minimal notion of truth with which Estlund works — and upon which the acceptance criterion relies — attempts to grapple with the issues that Rawls' framework faces without conflicting with any of the comprehensive doctrines

from which citizens are free to choose. However, in separating itself from other reasonable doctrines, the notion of truth employed here loses much of the practical utility that the concept has. Of course, a notion of truth that can be employed without confronting other reasonable doctrines or causing needless sociopolitical division seems like a notion of truth that could exist within a framework of political liberalism. But this minimal conception of truth may be too weak to pass its own admissibility test.

We might deny Estlund's claim that this approximate conception of truth would not confront other doctrines that reasonable citizens endorse. On the contrary, one could argue that this conception of truth is so minimal that it would, in fact, confront most notions of truth that citizens employ. Most would agree, for instance, that a proper notion of truth is capable of positively guiding thought and action with a certain degree of force — such individuals would also likely reject a notion of truth that lacked this normative quality. Estlund's claim that "the appeal to truth is admissible so long as the view that the doctrines in question are true is itself beyond reasonable objection" (Estlund 269) may ultimately fail to justify the truth of the acceptance criterion on the grounds that the underlying notion of truth is objectionably weak. In short, this limited notion of truth seems absent of much of the typical content and role that a serviceable view of truth might have. If reasonable citizens were to reject a notion of truth that fails to cohere with their common understanding of the concept and the work it ought to be capable of, Estlund's argument and the formulated acceptance criterion would not succeed in establishing the authority of RAN.

My claim is not that Estlund's argument requires a more robust conception of truth. Indeed, such a claim would only relocate the grounds on which citizens might reasonably object to the notion of truth that MAC cites. Rather, I argue that Estlund's argument is unsuccessful because its notion of truth, which citizens would likely reject,

fails to establish the authority of the principle that it is supposed to vindicate. Estlund may have succeeded in showing that the principle of political legitimacy requires some external epistemic criterion, but has failed to show that such a criterion must be based in any conception of truth. Of course, we must still seek to make coherent Rawls' theory of political legitimacy, but truth does not seem to be the standard by which the principle is going to be made tenable.

Questioning the degree to which this minimal notion of truth would confront more robust comprehensive doctrines relies on some speculation. Without knowing the conceptions of truth that citizens endorse, we cannot say definitively that the notion of truth employed by Estlund's acceptance criterion would confront them. To the extent that this weak notion of truth fails to contain some of the most fundamental and conventional attributes of truth as a concept, it seems likely that it would. But this also indicates a further requirement for any notion of truth that we aim to introduce into a Rawlsian framework. Namely, that any viable conception of truth must be grounded in minimal, but shared understanding of what the concept involves. It must be weak enough to be compatible with reasonable comprehensive doctrines, but insofar as it must also be acceptable to reasonable persons, it may need to contain some content regarding the concept, its use, and its function to which all reasonable persons could agree. I now move to outline such a conception, as formulated by Joshua Cohen in his discussion of Rawlsian public reason.

4.4 THE ROLE OF TRUTH IN PUBLIC REASON

Cohen rejects Rawls' claim that public reason can do without a notion of truth in two broad steps. First, he claims that the concept of truth — and judgments made on its basis — occupy a fundamental role in public deliberation. He does not argue that the

introduction of truth would allow us to more effectively settle certain sorts of political disputes, but rather that the concept itself is necessary for genuine political argument. Second, and having argued that truth occupies a fundamental role in public reason, Cohen makes the normative claim that any conception of truth to be used in public debate must be purely political. Like political orders themselves, a viable conception of truth to be used in public reasoning must be acceptable to and endorsed by reasonable persons. As Cohen writes, his aim is “to present a view of truth that suffices for public reasoning and could reasonably be endorsed by the adherents of conflicting doctrines, which may themselves employ richer conceptions of truth” (Cohen 3). Ultimately, Cohen seeks to provide a minimal, political conception of truth that he sees as fundamental to Rawls’ doctrine of public reason and, more broadly, one that is well-suited for democratic deliberation of all stripes.

Cohen argues that Rawls’ decision to avoid truth in his doctrine of public reason makes it unnecessarily contentious. In his reading of Rawls, if public reasons are those based in a political conception of justice, and such reasons avoid claims to truth, then Rawls seems committed to the view that truth is irrelevant from the standpoint of justice. Moreover, Cohen notes that abstaining from truth claims in public reason makes the doctrine far too elusive and difficult to follow in practice. It is difficult to imagine what political argumentation would look like were it to abstain entirely from this truth-bearing epistemic justification. As he writes,

Suppose someone proposes that public reason avoid conceptions of salvation, self-realization, soul, personal autonomy, purity, courage, or honour. Whatever the merits of such abstention, we have some idea of what is being proposed. We can imagine what it would mean to conduct political justification without recourse to such

concepts. In contrast, the idea of locating a common ground of political reflection and argument that does without the *concept* of truth — like doing without the concept of an object, or cause, or thought, or reason, or inference or evidence — is hard to grasp. (Cohen 14-5; emphasis in original)

The critical move in Cohen's argument is his distinction between the concept of truth and its manifold conceptions and theories. Rawls provides strong arguments for avoiding philosophically robust theories of truth in public reason, but the prospect of disagreement about these competing conceptions does not entail that public reason must — or should — do without the notion of truth entirely. Even if public reason must refrain from employing a conception of truth, Cohen claims, perhaps it need not function without the concept. In his view, we can and should expect those who disagree about the nature of truth to nevertheless converge on a shared understanding of the concept when political matters are at issue. A pragmatist and a realist can still employ their preferred ideals of truth (or lack thereof) when drawing conclusions about the best course of action, without justifying that course of action on the basis that it was the product of good epistemic practice. As Cohen's distinction rightly highlights, no individual is excluded from public deliberation by relying on such conceptions so long as it is not cited in public reason. Thus, Cohen writes that, "although I find the idea of public reason compelling, I disagree with Rawls' claim that the concept of truth finds no place in it" (Cohen 5). Citizens who are free to hold beliefs about the nature of truth — and strive to achieve that ideal in public deliberation — can nevertheless be asked to refrain from citing these ideals when justifying their position.

Having argued that there is some room for the concept of truth in Rawlsian public reason, Cohen offers a political conception of truth that is present in and compatible with

public forms of political justification. Cohen outlines a purely political conception of truth that is fundamentally dissimilar to more philosophically robust doctrines. A political conception of truth does not rely on arguments for or against the nature of truth, but simply presents, as he writes, “a set of claims about truth — for example, that truth is distinct from warrant, and that it is important — that is suited for the purposes of political reflection and argument in a pluralistic democracy, characterized by doctrinal disagreements” (Cohen 3). Cohen notes that once we understand the concept of truth on political grounds, and use it for the purposes of political argument, it can serve as a shared basis for public justification. Thus, even within a society of individuals who ‘employ richer conceptions of truth’, the political conception of truth can be employed when reasonable citizens are held to the standards of public reason.

Cohen provides two requirements for the formulation of a properly political conception of truth. First, and in the aim of remaining compatible with political liberalism, a political conception of truth must “avoid asserting any theory about the nature of truth or its lack of a nature” (Cohen 26). Any theory of truth suited for political argumentation must be compatible with the more extensive philosophical theories from which citizens are free to choose. Citizens remain free to endorse realist, pragmatist, correspondence, or other theories of truth since the political conception is ultimately compatible with each of them. While Cohen does not explicitly outline the extent or type of compatibility required, his writings suggest that the political conception must be both practically and conceptually compatible with other notions of truth — it must not confront the claims made by or the method of following these more robust doctrines. This is going to leave us with a fairly minimal theory, thus allowing the political conception of truth to be, in Rawls’ terms, political in the right way. A political conception of truth earns its name by

ensuring that it could be endorsed by reasonable persons, even when they already favour more extensive notions of truth.

Second, Cohen argues that a political conception of truth must include certain claims about the role, function, and value of truth as a criterion of justification. It outlines the various features by which citizens come to a shared understanding of the concept. Cohen provides a list of these elements which includes but is not limited to *a*) that truth is a norm that governs certain attitudes, such as belief, asserting, and judging, *b*) that truth implies some uncontroversial degree of correspondence with matters of fact (without implying anything about things in themselves or that such matters of fact hold mind-independently), *c*) that truth contrasts with other justificatory measures such as warrant or justification — not in the sense that it is more substantive than these measures, but that these measures may be satisfied without also being true, and *d*) that truth is valuable and important in a manner that distinguishes itself from the importance warrant or other justificatory measures (Cohen 27). Whatever a finalized list might include, these features establish a common understanding of truth that citizens are permitted to cite when using public reason. To the extent that reasonable persons agree on the elements outlined by a political conception of truth, they can make claims on the basis of truth understood collectively and uncontroversially as a shared ground for political justification.

By establishing a shared basis for the concept by outlining its broader elements, Cohen alleviates much of what makes a conception of truth unsuited for public reason. It does not confront other reasonable doctrines, nor does it seem forceful enough to foster divisiveness between citizens. Much like Rawls' notion of reasonableness, Cohen establishes a notion of truth that serves as a common ground for all further political justification. In making truth an acceptable basis of public justification by reformulating it

as an idea that is shared by citizens generally, Cohen's argument highlights that not all theories of truth are as confrontational and divisive as Rawls seems to suggest. Indeed, Cohen's political conception of truth is far less metaphysical than Rawls assumes philosophical theories to be. By lessening the metaphysical weight of the concept, Cohen strengthens the viability of truth as a form of justification that remains congruent with the values of political liberalism.

Cohen further justifies the introduction of a political conception of truth in public reason by highlighting the relationship between the concept of truth and the use of our faculties. As he writes, "truth is connected [...] to norms of thought and interaction that call for accuracy in representation, sincerity in expression, consistency, 'getting it right', and being attentive to how things are and not simply how we wish them to be" (Cohen 14). Part of what makes some reasons better than others, at least some of the time, is that those reasons also lead us to conclusions that are true. Public reason still asks citizens to endorse political orders that they could reasonably expect all others to accept, with the added benefit that they would also expect those political orders to be endorsed on the basis that the claims by which they are supported are also true. By incorporating a political conception of truth into public deliberation, public reason establishes a shared basis for judgments and arguments that allows citizens to view some options as fundamentally better than others. Indeed, Rawls himself seems to strive towards this objective when he writes that,

If the idea of reasoning and judgment applies to our moral and political statements, as opposed simply to our voicing our psychological state, we must be able to make judgments and draw inferences on the basis of mutually recognized criteria and evidence; and in that way, and not in some other way, say by mere rhetoric or

persuasion, reach agreement by the free exercise of our powers of judgment. (*PL* 110-11)

Cohen appears to have provided such a 'mutually recognized criteria' with his political conception of truth. While reasonableness and the liberal principle of legitimacy take up part of this role in Rawls' work, a shared understanding of truth that allows citizens to reach agreement may be a more definitive means of reasoning towards, epistemically-speaking, the best political orders. Indeed, the political conception of truth should afford citizens the ability to recognize and understand political courses of action as, on the basis of being based in true claims, more just than others. Insofar as judgments made on the basis of truth are, in some sense, better than those that are not, public reason benefits from bringing a shared understanding of truth into a doctrine of public discourse that has hitherto been unequipped to make such claims. All else being equal, a political order that is true will be chosen over those that are not. The possibility of two equally acceptable, equally true options is a live one. But if the introduction of truth claims in public reason allows us to settle at least some of the disputes that arise without it, we should view it as a successful addition to Rawls' doctrine.

However, one might argue that Cohen's attempt to introduce a viable conception of truth into public reason fails to remain compatible with Rawls' work. As Jethro Butler highlights, the success of Cohen's argument relies on two distinct requirements. First, that a political conception of truth is consistent with political liberalism. Second, that the shared understanding of truth outlined by Cohens' political conception is "consistent with his own description of the folk understanding of public deliberation held by reasonable citizens; specifically, that arriving at the truth is to some extent the aim of deliberation" (Butler 330). Butler and I both agree that Cohen successfully works

through the first issue of maintaining the values of political liberalism when formulating his political conception of truth. But, as Butler argues, he has not accomplished this task while remaining compatible with a common understanding of truth as a concept.

Recall the two requirements that Cohen claims to be necessary for any properly political conception of truth. Butler schematizes these requirements as follows:

- A. Descriptive adequacy condition (DAC): the political conception of truth has to accommodate the folk understandings of 'mundane truth', 'the culture of truthfulness' and 'truth as the aim of deliberation'.
- B. The political liberalism requirement: the political conception of truth has to be compatible with the fundamentals of political liberalism and with political constructivism (it needs to avoid asserting any theory about the nature of truth).

(Butler 336)

Cohen outlines four elements of the concept of truth that citizens share and are therefore an adequate representation of the role that the political conception of truth plays in public deliberation. In Butler's view, however, these four claims fail to grasp the neutral, 'folk understanding' of truth that is required for satisfying DAC. A common understanding of truth is not only, as Cohen argues, a list of claims that individuals would generally agree to, but includes a recognition of the various ways in which truth functions in practical reasoning. That is, while Cohen's political conception of truth nicely outlines some elements of truth that reasonable person would presumably agree to, citizens themselves understand truth in more deliberative, less strictly factual terms. As Butler writes, "citizens generally care about the truth precisely because, among other things, they care about the adequacy of the reasons that are advanced in public deliberation.

They care that both they and their representatives are acting for genuine reasons and it is a condition for acting on a genuine reason that that reason be true” (Butler 344).

The force behind Butler’s claim is not simply that Cohen has provided an inadequate political conception of truth. Cohen himself claims that the political conception of truth is malleable with respect to the elements of truth about which citizens agree. The argument, rather, is that in order to meet the political liberalism requirement, the political conception of truth must neglect considerations that remain fundamental to a shared understanding of truth. Truth is important for resolving, among other things, questions of value, the soundness of moral principles, or broader casuistical issues. Public deliberation over two courses of action will be equally concerned with the truth of the values and principles upon which the arguments are based as it is with the facts that comprise them. But to the extent that citizens must be free to decide for themselves what values and principles they deem to be true, a political conception of truth will be inadequately descriptive in failing to guide public deliberation on matters that a common understanding of truth would suppose that it should. As such, the only way to satisfy the political liberalism requirement is by formulating an inadequate political conception of truth.

4.5 A WAY FORWARD

While the arguments advanced by Estlund and Cohen approach the issue from distinct angles, both share a fundamental flaw that make them incompatible with Rawls’ writings. Namely, neither argument can be incorporated into a Rawlsian framework while remaining consistent with fact of reasonable pluralism that characterizes the citizens — and by extension, the epistemic constraints of public deliberation — within a liberal democratic society. Estlund’s amendment seeks to ground political justification in

a criterion that allows citizens to accept it as true and not merely reasonable. But I argue that even this minimal and approximate notion of truth may, in practice, conflict with a number of doctrines and values that citizens are free to endorse. I question Estlund's claim that the notion of truth employed by the acceptance criterion, which is only authoritative in the context of a single political principle, would remain compatible with more robust conceptions of truth that citizens endorse. The issue, in short, is that the notion of truth with which the Estlund's acceptance criterion — and by extension, his argument — works may prove to be objectionably weak to those who remain free to endorse more metaphysically rigorous philosophical doctrines. As such, and while Estlund's claim that the principle of political legitimacy requires some additional epistemic criterion still stands, he fails to show that this criterion must be based in any claim to truth. Indeed, until this notion of truth is beyond reasonable objection, such a criterion may need to be derived from an alternative epistemic source if it seeks to remain compatible with Rawls' framework.

Providing a conception of truth that avoids the issue of being too minimal, I outlined Cohen's claim that Rawlsian public reason could viably utilize a conception of truth that is purely political — that is, it could introduce a notion of truth that is based only in a shared understanding of the concept itself, without employing a philosophically robust conception. While Cohen's approach remained compatible with the values of political liberalism, we saw that, as Butler highlights, it neglects certain facets of a common notion of truth and is therefore inadequately descriptive for use in political argument. Most would agree that, in public deliberation, truth is as important for evaluating normative claims as it is for establishing descriptive ones. Insofar as citizens must remain free to claim the truth of their own values, the only viably political

conception of truth that remains compatible with the tenets of political liberalism will be one that fails to sufficiently outline a common understanding of truth as a concept.

This chapter has traced two strong criticisms of Rawls' claim that truth plays no role in public deliberation. Indeed, these arguments seek to improve Rawls' framework by incorporating notions of truth that, in their view, remain fundamentally compatible with his writings. But even these modest amendments were shown to be incompatible with the basic features of liberal democratic societies that led Rawls to avoid truth claims initially. At this point, there are a few ways to proceed. Perhaps we should simply submit that Rawlsian political theory is fundamentally at odds with claims to truth and continually defend his work from these criticisms. Alternatively, we might want to deny that the values of political liberalism ought to be universally enshrined and argue that, in some instances, truth claims are permitted in public deliberation even when they confront reasonable comprehensive doctrines. Finally, we may want to turn our attention to the purely political form of justification that Rawls provides for its ability to guide public deliberation towards right, correct, or positively true political orders. That is, if we wish to improve Rawlsian public reason from within his own theory of political liberalism, we may be limited to his notion of reasonableness that is and seemingly must remain central to his writings. In the forthcoming chapter, I turn to argue that such enhancements can be made by recognizing and emphasizing the Kantian influence in Rawls' work. In my view, Kant seems to offer us the resources for working through the issue of truth in public deliberation that Rawls — a Kantian in his own right — appears susceptible to. I now turn to offer a Kantian reading of Rawls' political framework in the aim of not only strengthening some crucial facets of his work, but also vindicating it of the criticisms outlined above.

Chapter 5: Kant, Public Reason, and Political Critique

5.1 INTRODUCTION

This chapter foregrounds a number of Kantian elements in Rawls' view of political justification. The parallels offered here serve a number of distinct, but often overlapping purposes. On their own, each consideration underlines the conceptual lineage of Rawls' thought and the extent to which his work is indebted to Kant's or Kantian claims.

Together, the conglomeration of these elements ultimately offers a robust and newly Kantian reading of Rawls' doctrine of public reason.

In the first section, I revisit Kant's view of public reason, emphasizing the role of autonomy, the authority of reason, and critique therein. After highlighting the purpose of each in Kant's picture of enlightenment, I will turn to examine the notion of autonomy found in Rawls' specification of autonomous political views and the political autonomy of citizens. I consider Rawls' claims here as providing an imperfect, specifically political parallel to Kant's view of autonomy as the use of reason without recourse to external authorities or conditional principles more generally. In the second section, I bring Kant's notion of critique back to the fore in discussing Rawls' conception of objectivity,² where I argue that objective political views are those formed and justified on the basis of principles verified through rational critique. I extend Rawls' distinction between moral and political autonomy to this claim, offering a definition of 'political critique' as the process whereby citizens come to dismiss or reject subjective principles of reasoning until those principles are sufficiently autonomous to convince a plurality of citizens to accept them. Unlike the notion of critique found in Kant, political critique ends at the

² At the outset, I should make clear that this discussion focuses on Rawls' claims regarding objective political views. I refrain from outlining his five essential elements a conception of objectivity (*PL* 110-12), focusing solely on his notion of objectivity as it relates to political justification.

point at which principles of reasoning are acceptable to a specified plurality of citizens, even when those principles are subjective or conditional. I justify this restriction on the basis of Rawls' own corresponding distinction between moral and political autonomy, where the latter concerns political principles and the autonomy of liberal democratic citizens.

In the second half of this chapter, I offer a reading of Rawlsian public reason that emphasizes these Kantian roots and, in particular, the role of political critique in public reasoning. I first offer some subsidiary conclusions for Rawls' definition of reasonable persons, claiming that they successfully hold their two specified virtues by engaging in political critique. I then move to make the much stronger claim that, embedded within Rawls' doctrine of public reason is the capacity to self-reflexively or dialectically evaluate the principles of one's reason and that, therefore, political critique is vital to the idea of public reason. In the final section, I respond to the criticisms levied against Rawls by David Estlund and Joshua Cohen by reiterating some key claims that led to a viable Kantian reading of Rawlsian public reason. In response to Estlund, I argue that the acceptance criterion that he claims to be necessary for a tenable theory of political liberalism is in fact to be found in the link between Rawlsian objectivity and political critique. In particular, I argue that what specifies the acceptance and rejection rights of reasonable citizens in a substantive and undogmatic way is that they engage in political critique and therefore vindicate the authority of reason in providing normative guidance to reasonable persons. Responding to Cohen, I claim that Rawls' notion of objectivity already serves as a robust epistemic standard that is capable of taking up the normative role of truth in political debate. As distinct from reasonableness, Rawls' conception of objectivity serves as an epistemic standard that is sufficiently demanding to reject Cohen's claim that any epistemically robust account of public reason must use the

concept of truth. Ultimately, this chapter ties together the former three by offering a Kantian reading of Rawlsian public reason that is not only true to the work of both thinkers, but also allows contemporary Rawlsians to use this Kantian lineage in responding to a certain round of objections levelled against his view of public reason.

5.2 AUTONOMY AND PUBLIC REASON

One of the crucial elements that links Rawls' doctrine of public reason to Kant is its relation to Kant's writings on autonomy. In framing his picture of enlightenment as the "freedom to make *public use* of one's reason in all matters" (8:36; emphasis in original), the freedom at issue in Kantian public reason is neither purely political nor entirely individual. Kant characterizes this freedom as an amalgamation of individual and political liberties, often depicting enlightenment as a collective task taken on by "the society of the citizens of the world" (8:37). Consequently, public enlightenment does not depend as much on any particular civil freedoms as it does on an intellectual freedom to use one's reason autonomously. Only briefly does Kant reference civil freedoms as those that allow for the exhibition of public reasoning. But while he recognizes that certain social, political, and historical conditions must hold in order for one's public judgments to reach a 'world of readers' in the literal sense, the public use of one's reason is defined not by the breadth of one's actual audience but rather by the type of judgments of which it is emblematic. Kant's characterization of public reasoning as directed toward a world of readers should not be misconstrued as a requirement for *publicity*. His view is rather that such reasoning carries with it the *potential* for individual judgments to be communicated to and interpreted by a world of rational beings. As Onora O'Neill summarizes this distinction,

Whatever means of communication are available, communications may fail to be public if they do not meet standards for being interpretable by others. No amount of publicity can make a message that is interpretable either by no others or only by some others into a fully public use of reason. Effective publicity is politically important, but it presupposes that what is to be communicated is publicizable. (*CR* 33; emphasis in original)

In its implied requirement that any properly public use of one's reason must reach a vast audience, Kant's initial characterization of public reason is misleading. But this reading is quickly corrected by Kant's claims, which suggest a priority of the requirement for potential communication over any criterion of publicity. Properly public uses of reason are not characterized by the scope of their actual audience, but rather by the possibility that any given audience could accept the grounds on which one's judgments are being made. To make public use of one's reasoning is to think, act, and communicate on the basis of principles derived from reason alone. It is to be fully autonomous in the use of one's reason and hence, to think and act on principles that could be recognized, by all those similarly equipped by their faculties of reason, as an acceptable basis for those activities.

Tied to the autonomy of public reasoning is Kant's notion of critique. For Kant, critique is a process whereby reason subjects its principles to its fundamental, regulative laws. In this process, reason regulates itself by "dismissing its groundless pretensions" (*CPR* Axii), thereby ensuring that the normative guidance that it provides is grounded in autonomous principles. In short, critique indicates whether the principles of one's reason are fully autonomous and, if not, initiates the process whereby heteronomous principles are rejected. Kant also notes that only through the process of

critique is the authority of reason substantiated — ultimately, any vindication of reason's authority rests on the assurance that its principles are autonomous. As such, without the capacity to verify the rational basis for the guidance that it provides, reason would not have any means of ensuring that its use, public or otherwise, was based entirely in autonomous principles. Critique is therefore requisite to the public use of one's reason and its primary requirement that one's reason be fully autonomous.

The role of critique in public reason is also seen in the picture of enlightenment that Kant provides. Particularly in his discussion of the minor-guardian relationship, it is crucial that those who seek to successfully “cast off the yoke of minority” (8:36) and begin to make self-standing judgments can look to reason for normative guidance. In Kant's view, it is vital to the enlightenment project that reason has the authority to not only convince those in their ‘self-incurred minority’ to renounce their guardian's influence, but also view reason itself as the proper authority for providing subsequent normative guidance. Only through critique can a minor come to recognize that their principles of reasoning are based in an external authority. Equally important, minors must be able to view reason as an authoritative source for guiding their thought and action. Since the authority of reason can only be verified through critique, it becomes necessary to the enlightenment process itself that the principles of one's reason are subject to scrutiny.

While Kant most often speaks of critique as a type of self-cognition, he also mentions the process in relation to interpersonal debate. Kant claims that, in addition to self-reflexive critique, a similar process occurs when humans engage with, and have the principles of their reasoning examined by, other rational beings. As he writes,

Reason does indeed stand in sore need of such dialectical debate; and it is greatly to be wished that the debate had been instituted sooner and with unqualified public

approval. For in that case criticism would sooner have reached a ripe maturity, and all these disputes would of necessity at one had come to an end, the opposing parties having learned to recognize the illusions and prejudices which set them at variance. (*CPRA747 / B775*)

At the level of dialectical critique, individuals evaluate the principles underlying their reasoning by subjecting them to the reason of others. As is the case in self-reflexive critique, individuals come to identify and subsequently curb any subjective or heteronomous principles as an improper basis for reason's normative guidance. Kant also claims that, through dialectical critique, individuals come to recognize the factors responsible for causing certain disagreements by noticing and abandoning the conditional principles that have been influencing their use of reason. By dismissing its subjective and reaffirming its unconditional principles, critique verifies reason as a faculty that is suited, only through the use of autonomous principles, to supply the individual with normative guidance.

On Kant's picture, then, public reason is not simply a matter of reasoning autonomously, for any fully autonomous use of reason involves an assessment and eventual affirmation of reason's principles. Without the process of critique, individuals would be frustrated in their attempts to use public reason. They would lack the ability to voice judgments with the potential to reach a world of readers, while reason would lack the authority sufficient to provide normative guidance to the public at large. The public use of reason depends on an evaluation of reason's principles and its authority, both of which rely on the process of self-reflexive or dialectical critique.

Although not explicitly related to his doctrine of public reason, Rawls' adaptation of Kantian autonomy offers some insight into how he employs this framework. In his

discussion of the original position and his account of political constructivism, Rawls refers to his theory of political liberalism as an “autonomous political doctrine” (*PL* 99). By this, he means that the reasons for accepting his as a correct theory of justice are grounded in principles that all citizens would accept. Reiterating that his theory is political rather than metaphysical, Rawls notes that the principles that constitute a right theory of justice are not chosen through philosophical arguments concerning some potentially ideal state, but rather by what reasonable persons can accept as the proper basis for fair political relations. As he writes,

Autonomy is a matter of how the view presents the political values as ordered [...] A view is autonomous, then, because in its represented order, the political values of justice and public reason (expressed by these principles) are not simply presented as moral requirements externally imposed. Nor are they required by other citizens whose comprehensive views we do not accept. Rather, citizens can understand those values as based on their practical reason in union with the political conceptions of citizens as free and equal and of society as a fair scheme of cooperation. In affirming the political doctrine as a whole we, as citizens, are ourselves autonomous, politically speaking. An autonomous political conception provides, then, an approximate basis and ordering of political values for a constitutional regime characterized by reasonable pluralism. (*PL* 99)

The autonomy of a given political view consists in its potential acceptance by a plurality of citizens who make use of their reason in evaluating its norms and principles. In order for a political view to become autonomous, for Rawls, it must be based in principles that all citizens could, irrespective of the factors and values that differentiate them from one

another, agree to through the use of their common human reason. Also important to emphasize here is the relationship between autonomous political views and the autonomy of citizens. In Rawls' terms, citizens become *politically autonomous* — that is, equally self-governing with respect to their social and political world — when they affirm the principles in which an autonomous political view is grounded.

Rawls' view of political autonomy echoes the Kantian notion of thinking and acting according to the principles of one's reason. Both Rawls and Kant view certain types of political relations as autonomous insofar as they make use of principles that are not subjective or conditional. In Rawls' work, this is seen in his view that a plurality of reasonable citizens comes to endorse a political conception once its fundamental principles are regarded to be reasonably acceptable. This will involve, among other things, ensuring that the principles used to form and justify autonomous political views are sufficiently free of subjective principles that differentiate one citizen from another. Indeed, that citizens would not object to such a view indicates that its fundamental principles are sufficiently autonomous to be accepted by a pluralistic citizenry. It should, however, be noted that the notion of political autonomy and its requirement of reasonable acceptance will be less demanding than the full autonomy found in Kant — political autonomy does not rest on completely unconditional principles, but rather on principles that could be accepted by all citizens. It seems compatible with Rawls' claims that a political view can be autonomous even if it contains some minimal subjective principles. Rawls himself makes a similar point in distinguishing between political and moral autonomy, noting that the latter is more strictly emblematic of Kant's view.

Rawls' notion of political autonomy also reflects Kant's claims regarding the audience to whom fully autonomous reasoning is directed. For Rawls, autonomous political conceptions are those that are capable of 'ordering political values for a

constitutional regime characterized by reasonable pluralism'. In short, political autonomy rests on the use of principles and values that a plurality of citizens could accept regardless of the factors that otherwise differentiate them. This standard of political autonomy mirrors Kant's writings by claiming that an autonomous political view reaches a world of reasonable persons by using one's reason without recourse to conditional principles that serve to differentiate citizens generally. As Kenneth Baynes writes, Rawls provides "a procedural model of autonomy that emphasizes the ideas of reciprocity and mutual recognition that are already implicit in everyday forms of communication" (Baynes 146). Political views and citizens become autonomous by freely accepting those terms that others suggest. Indeed, part of what distinguishes an autonomous political view from comprehensive religious or philosophical doctrines is that the latter can rightfully be accepted on the basis of subjective principles. Only autonomous doctrines are accepted in accordance with principles that all citizens could accept as reasonable and hence could be endorsed by a plurality of citizens who remain free to abide by other reasonable doctrines of their choice.

Before proceeding, I want to forestall misunderstanding and possible objections by reiterating that I am not claiming there to be a perfect parallel between Rawls' notion of political autonomy and the Kantian view. If Rawls were employing Kant's notion of autonomy as the use of reason without reference to any subjective principles, we should expect to find that citizens would reason in more or less the same way. But this is not Rawls' view. One could be tempted to object to my claim that there is a Kantian analogue in Rawls' view of political autonomy by asking, for example, 'how is it the case that citizens can be differentiated in relation to the burdens of judgment if, as you argue, each citizen is able to reason and accept principles without recourse to any subjective conditions?' Rawls claims that even when used correctly, the reason of one citizen may

look quite different from another's. How are we to reconcile this basic fact about reasonable persons with the view that Rawls borrows a Kantian view of autonomy as the absence of any subjective principles of reasoning?

In response to this and similar criticisms that highlight the different degrees and corresponding types of autonomy in Kant's view and Rawls' political counterpart, I reiterate that the notion of autonomy relevant to this discussion of Rawls is strictly political. That is, the degree of autonomy, or the extent to which one's reason is free of subjective principles, is greater in Kant's view than it is in Rawls' notion of political autonomy as principles that all citizens could accept. It is not defined, as is the case for Kant and moral autonomy more generally, by the radical absence of subjective principles. Rather, political autonomy is characterized by the fact that the principles used to form and justify reasonable political views are sufficiently autonomous to garner the acceptance of an entire pluralistic citizenry. The autonomy at issue here is therefore contingent on a specified plurality — a view is autonomous once it is free of the subjective conditions that differentiate one citizen from another and thus, of principles to which some citizens would object. Of course, the size of the gap between principles sufficient for universal acceptance and those sufficient for acceptance among a specified plurality is unclear. But at this point, I emphasize that Rawls is speaking here to a political notion of autonomy and, as such, should not be read as providing a perfect, but instead constructing a political parallel, to Kantian autonomy. That is, political autonomy rests on principles that citizens could accept as reasonable bases for their political relations. Like Kantian autonomy, political autonomy requires the examination and scrutiny of these principles until they are sufficiently autonomous to serve as the basis for rational and political activity, respectively.

This question of the space between fully autonomous and politically autonomous uses of reason is relevant to a further parallel between Rawls and Kant. Put simply, it seems as though the ability to provide a political view that all citizens could accept requires some means of evaluating when its grounding principles would be rejected. This indicates that those seeking to establish acceptable political views utilize a process much like Kantian critique when forming and justifying their political convictions. As I will now turn to argue, there is good evidence for extending this Kantian notion of critique to Rawls' view of political justification and in particular his conception of political objectivity.

5.3 CRITIQUE AND OBJECTIVITY

Rawls notion of objectivity serves two roles. First, as a complement to political liberalism's idea of reciprocity, objectivity extends the standard of reasonable acceptance to a more demanding norm of justification. Second, as a more restrictive formulation of the notion of reciprocity, objectivity places greater argumentative burdens on political views when those views aim to provide an objective justification. In short, objectivity places more demanding standards on the justification of political views by maintaining a higher criterion of acceptability. As Rawls writes,

To say that a political conviction is objective is to say that there are reasons, specified by a reasonable and mutually recognizable political conception (satisfying those essentials), sufficient to convince all reasonable persons that it is reasonable.

(*PL* 119)

The objectivity of a given political view is determined, for Rawls, by the extent to which reasonable persons could unanimously accept the justification used to defend its

reasonableness. The distinction between objectivity and reasonableness being that citizens can reasonably accept political principles on justificatory grounds that fail to convince each and every citizen that they are reasonable. What makes a political view objective is that reasons for it can be given that suffice for its unanimous acceptance. In this sense, Rawls' conception of objectivity is not only a reiteration of, but an advancement and more restrictive formulation of, political liberalism's notion of reciprocity. That is, while any political view must be presented to ensure a minimum of reasonableness, an objective political view earns its name when the reasons supporting it can be offered that are sufficient to convince an entire citizenry that they ought to accept it. Objectivity is achieved when a political view moves citizens to accept it as reasonable regardless of the motivations or values that make it reasonable only to some. As such, Rawls' notion of objectivity has some important implications for public political discourse as well, since views proposed as 'objective' will have to meet higher argumentative, and seemingly epistemic standards. A view that is reasonable may nevertheless fail to convince all reasonable persons to accept it, while justifying an objective political view involves the acceptance of reasons that make no reference to values or motivations that differentiate individual citizens.

To clarify the distinction between objectivity and reasonableness, let us imagine that a citizen holds a political view that contains an ordering of values whereby freedom of speech is given priority over freedom of movement. The reasons given for this ordering and its implementation satisfy public reason's criterion of reciprocity when that citizen is able to present her opinion as at least minimally reasonable to all other citizens. In this case, this means that the view must be at least minimally reasonable to those who favour an alternative course of action based in the reversed ordering of these freedoms. What makes a political view objective, for Rawls, is that it can be justified

using reasons that are sufficient for convincing those who favour its alternatives to not simply agree on its reasonableness, but to accept it as well. An objective political view is one justified on grounds that all reasonable citizens would accept as the proper basis for specifying political relations.

In large measure, objective political views are going to be free of subjective principles that would prevent citizens from accepting them. Indeed, it seems as though part of the distinction between objective and reasonable political views is that the former will need to place its principles under a greater degree of scrutiny if they are to be accepted as objective by all citizens. It therefore seems necessary to the formation and justification of objective political views that such principles and reasons undergo a process akin to Kantian critique.

In the case of self-reflexive critique, objectivity is gained by ensuring that the principles of one's reasoning are governed by reason alone. An objective political view is capable of being favoured by a plurality of citizens solely because it can be justified in the absence of the subjective features that differentiate them. What allows these arguments — indeed, such uses of reason — to convince an entire citizenry, is the fact that they are based in autonomous principles. In fact, it may be that the only way to convince an entire plurality of citizens that they ought to accept a political view is for that view and its justification to be grounded in principles that they could accept irrespective of the features that differentiate them. At the very least, Rawls suggests that these differentiating features are set aside in order to establish principles that all could accept.

It also seems as though a pluralistic citizenry could come to accept the objectivity of a given political view through dialectical critique. When debating within a plurality, citizens recognize the principles of reasoning that differentiate them from their fellow deliberators. The formation and justification of objective political views will rely, in such

cases, on citizens' capacity to recognize these principles as those that their fellow citizens would not accept. In the case of dialectical critique, citizens are able to shape objective political views by examining their own reasoning as well as the reasoning of others until the view and its justification can be presented using principles that are sufficiently absent of these subjective conditions.

But a Kantian notion of critique is also tied to the capacity of citizens to accept these political views as objective. Given the role of critique in establishing reason's authority, the process itself is vital if a view is to be justified to all citizens. Only through their own subjection to critique can citizens view the fully autonomous use of reason as either authoritative in providing normative guidance or, at the very least, authoritative enough to supersede alternative subjective authorities to which they might otherwise listen. Critique is thus required of both parties involved in objective justification — the formulation and the acceptance of these views are contingent on all parties recognizing when principles of reasoning are conditional, and that the dismissal of such principles makes reason sufficiently and normatively authoritative in serving as the grounds for objective political argument.

Some might object to the link that I draw here between the role of critique and Rawlsian objectivity. First, one might note that Rawls does not seem to intend for his conception of objectivity to be read alongside Kant. Indeed, he makes explicit that his view of political constructivism is distinct from Kantian constructivism in a number of ways. He even goes as far as to say that "this idea of shared political life does not invoke Kant's idea of autonomy [...] The appeal is rather to the political value of a public life constructed on terms that all reasonable citizens can accept as fair. This leads to the ideal of democratic citizens settling their fundamental differences in accordance with an ideal of public reason" (*PL* 98). But it would be inaccurate to read this passage as Rawls

claiming that his notion of objectivity is entirely free of Kantian influence. Rawls' discussion of political constructivism and its notion of objectivity makes heavy reference to Kant's views, adapting and molding them to be more amenable to specifically modern democratic aims. Indeed, I have already noted that Rawls' discussion here focuses on a form of *political* autonomy that he views as distinct from its moral counterpart, which he recognizes as being deeply informed by Kant's claims. I claim that Kantian parallels are also found in Rawls' notion of objectivity. In my view, Rawls' notion of an objective political view — one that is sufficiently convincing to be favoured by a plurality of citizens — is made possible by the capacity of reasonable citizens to recognize the principles of one's reasoning and reject that view until it can be justified in relation to principles that all could accept. Embedded within Rawls' notion of objectivity is the ability of citizens, through a process akin to Kantian critique, to recognize and deny arguments grounded in conditional principles.

A more forceful objection might claim that this reading makes Rawls' conception of objectivity unattainable. That is, it remains questionable whether citizens within a pluralistic liberal democracy would be capable of voicing their opinion without *any* recourse to subjective conditions. Rawls himself recognizes that his theory presupposes societies and citizens of a certain sort — loosely, those organized within a liberal constitutional democratic regime that enshrines the value of a reasonably pluralistic citizenry. But this suggests that it may not ever be possible for such citizens to reason entirely in the absence of conditional considerations. For example, citizens are going to reason with reference to some if not all of the following subjective principles: that the enactment of a political view is limited by the powers of the state and its institutions, that citizens hold rights and liberties that constrain the political actions of others, or that laws of the state override the political views of individual citizens. To the extent that these

principles do not hold universally in all societies, it remains questionable whether citizens of a liberal democratic society would ever be able to fully critique their reason as this reading suggests. If there is a link to be drawn between Rawls' conception of objectivity and Kantian critique, it cannot be that the former is contingent on entirely unconditional principles, for there are still legal, social, and political boundaries to the use of one's reason.

This criticism emphasizes the need to distinguish, as Rawls did for his amendment to a Kantian view of autonomy, a notion of critique that functions within the limits of the public political arena. In response to the objection, I extend — beyond his own intentions — Rawls' distinction between moral and political autonomy by noting that the notion of critique found in Rawls' writings will have to be amendable to the use of some minimally conditional political principles. I refer to this process, which serves as a public and political counterpart to Kant's notion, as 'political critique' — the process by which the reason of citizens either self-reflexively or dialectically comes to dismiss its subjective conditions *until the point at which the dismissal of those subjective principles is sufficient for the acceptance of a specified plurality of citizens*. As is the case for moral and political autonomy, the difference between Kant's notion of critique and political critique is a matter of degree. Only the former, Kantian view requires the radical dismissal all subjective conditions of one's reason. In the case of political critique, the process of dismissing conditional principles of reasoning ends at the point at which one's reason is sufficiently absent of those principles to convince a specified plurality to accept the remaining principles as reasonable grounds for political argument. These distinctions will be made clear in the forthcoming discussion.

Rawls eventually relates his discussion of political objectivity to Kant's own writings, claiming that he "accepts Kant's view [that] there are different conceptions of

objectivity appropriate for theoretical and practical reason” (PL 117). Rawls cites Kant’s distinction between objectivity as it relates to knowledge of specific objects, in the case of theoretical reason and “the production of objects in accordance with a conception of those objects” in the case of practical reason (PL 117). According to Rawls, political constructivism employs the practical notion of objectivity in assembling the objects that a liberal democratic society and its citizens produce as determined by a conception of justice and hence “guide our public conduct by practical reason” (PL 117). Here too Rawls hints further toward the reading that I endorse when he writes that,

Of course, given the many obstacles to agreement in political judgment even among reasonable persons, we will not reach agreement all the time, or perhaps even much of the time. But we should be able to at least narrow our difficulties and so come closer to agreement, and this in the light of what we view as *shared principles and criteria of practical reasoning*” (PL 118; emphasis added)

This passage is the crux of my attempt to read Rawlsian public reason in relation to these broader Kantian influences. Rawls notes here that any aim to mitigate the effects of these differentiating features is best served by placing constraints on the reasoning of citizens when engaged in public political debate. For Rawls, a plurality of reasonable citizens comes to more frequently and successfully agree on political judgments when they consent to placing publicly recognized constraints on their collective deliberation. This claim, which was outlined earlier in Chapter Three as Rawls’ pragmatic justification for the introduction of public reason, also serves to bring out the Kantian elements in Rawls’ doctrine. In particular, and as I now turn to argue, there is a link between Rawls’ definition of reasonable persons, the idea of public reason that all reasonable persons

accept, and the notion of political critique. I argue that political critique is not only necessary for the capacity of reasonable persons to exercise their two virtues, but also deeply tied to citizens' ability to abide by specified norms of public reasoning.

5.4 PUBLIC REASON AND POLITICAL CRITIQUE

Recall that, for Rawls, reasonable persons exhibit two fundamental virtues. First, they exhibit “the willingness to propose fair terms of cooperation and to abide by them provided others do” (*PL* 54). Reasonable persons recognize that certain public norms are essential to each individual citizen being better off than they would be had some chosen not to abide by them. They therefore exhibit a social virtue — reasonable persons accept these norms as authoritative neither out of altruism nor pure self-interest, but because they recognize them as vital to the view of society as a fair scheme of cooperation. Second, reasonable persons display “the willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime” (*PL* 54). They see, and subsequently seek to mitigate, the effects of the burdens of judgment when a plurality of citizens converge to discuss public political matters. The virtue here is epistemic — reasonable persons hold a certain degree of humility when forming, voicing, and evaluating views in the public sphere.

Rawls claims that, as a corollary of this definition, reasonable persons will accept the idea of public reason. As those who genuinely view society as a fair scheme of cooperation, they endorse public reason's criterion of reciprocity as a deliberative manifestation of political liberalism's principle of legitimacy and its justificatory standard of reasonable acceptance. As persons who recognize and hope to eliminate the factors that differentiate their use of reason from those of their fellow deliberators, they accept

and abide by restrictions placed on public political discourse that mitigate these differentiating features. It follows from Rawls' definition of reasonable persons, then, that a citizenry of reasonable persons would unanimously accept the idea of public reason as authoritative in providing guidance to think, act, and debate in accordance with its norms and standards.

I argue that paramount to Rawls' claim that reasonable citizens accept the idea of public reason is a buried premise that reasonable persons are those who subject their reason to self-reflexive and dialectical political critique. Let us first examine the social virtue of reasonable persons as a willingness to abide by fair terms of cooperation when others do the same. Rawls writes that reasonable persons hold a "moral sensibility that underlies the desire to engage in fair cooperation as such, and to do so on terms that others as equals might reasonably be expected to endorse" (*PL* 51). Embedded within this virtue is the ability to identify political terms or their expected endorsement as reasonable or unreasonable. That is, it requires that citizens are not only able to recognize when they should not expect other citizens to endorse certain terms of cooperation, but also when those terms are positively unreasonable. This seems to imply that reasonable persons have the capacity to subject their reason to political critique. Reasonable persons come to see when terms of cooperation are based in conditional principles of reasoning that all citizens could not be expected to endorse. Moreover, reasonable persons will have the capacity to see when certain citizens are being unreasonable in allowing their own subjective principles to guide them in endorsing standards that all other citizens could not be expected to accept. Whether this type of critique is self-reflexive or dialectical, Rawls' first virtue of reasonable persons requires the capacity to identify, examine, and scrutinize principles of reasoning

and the reason of their fellow deliberators in order to establish terms of cooperation that they could expect each other to endorse.

Critique also seems vital to Rawls' second, epistemic virtue of reasonable persons — that they notice and seek to mitigate the effects of the burdens of judgment when converging to discuss public political matters. Reasonable persons will strive to eliminate from their reason, as much as possible, the subjective and differentiating features that set their uses of reason apart from those of their fellow deliberators. This seems to require that reasonable persons place their principles of reasoning under scrutiny and dismiss those principles that fail to mitigate the influence of these burdens. Reasonable persons, on this reading, are precisely those who continually subject their reason to critique, either self-reflexive or dialectical, and hence eliminate the space between them and their fellow deliberators in the uses of their reason.

That reasonable persons are those who subject the principles of their reason to critique is not, in and of itself, any substantial addition to Rawls' view. The emphasis here on a Kantian basis for holding these virtues merely offers a subsidiary conclusion to Rawls' specification of reasonable persons. It offers some considerations regarding how reasonable persons exercise their moral sensibility or how they successfully mitigate the effects of the burdens of judgment — both of which involve subjecting their principles either to reason itself or to the reason of their fellow deliberators. But the relationship between reasonable persons, critique, and Rawlsian public reason draws a much stronger conclusion as well — that critique, in the Rawlsian and political sense, serves as a basis by which reasonable persons can evaluate arguments made using public reason.

Kant writes that the principles in which thought and action are grounded require “a discipline, to restrain its tendency towards extension beyond the narrow limits of

possible experience and to guard against extravagance and error” (*CPRA* 711 / B740). The authority of reason must necessarily be established through self-discipline, for only then is reason capable of establishing its principles in the absence of any subjective considerations and subsequently disciplined, autonomous reasoning. O’Neill writes of Kant’s view that “criticism, which has destroyed the authority of traditions, can sustain the authority of reason not by *polemic* with supposed rival authorities (churches, civil powers, etc.), let alone by dependence on discredited authorities, but only by relying on principles that demand no more than that criticism be conducted in and survive their own terms” (*CR* 58). Reason becomes authoritative when its principles survive a form of rational scrutiny that only reason can initiate. Indeed, that the principles of one reason survive the process of critique indicates their authority in providing socially and politically binding normative guidance.

I argue, on similar grounds, that this notion of political critique implicit in Rawls’ work is vital to his idea of public reason. Most prominently, political critique provides normative guidance to citizens in their aim to abide by and offer reasons that cohere to the primary formal constraint of public reasoning — the criterion of reciprocity. This criterion states that any reason given to justify the political conception of justice that informs constitutional essentials and matters of basic justice must be regarded as *a)* most reasonable by those endorsing it and *b)* at least minimally reasonable to anyone else affected by it. It specifies that properly public reasons must cite a political conception of justice that all other citizens could be reasonably expected to endorse. As is the case for the first virtue of reasonable persons, satisfying this criterion will involve some means of ensuring that the use of one’s reason results in political orders that all others could view as at least minimally reasonable. This minimal requirement of reasonableness prohibits public reasons from being guided by external authorities that

reasonable citizens would object to as the basis for political judgments. The only way for the political conception of justice that one cites in public reasoning to be viewed as minimally reasonable to a plurality of citizens is for those reasons to dismiss the conditional principles of reasoning to which that specified plurality might object.

That citizens are capable of identifying, examining, and rejecting reasons that fail to satisfy the criterion of reciprocity indicates that those citizens have subjected their reason to political critique. In practice, it seems necessary to successfully abiding by the criterion of reciprocity that citizens utilize some process whereby they come to identify when their views and the reasoning used to justify them could not be expected to be seen as reasonable by the pluralistic citizenry to which that view is presented. In the case of self-reflexive and dialectical political critique, citizens come to dismiss principles of reasoning that would not be accepted by their fellow deliberators through a process whereby those principles are subject to their reason or the reason of other deliberators. Indeed, the fact that citizens are assumed to have the authority to reject unreasonable arguments supports this reading by highlighting the capacity to recognize principles of reasoning that would not be accepted by all citizens as reasonable. In such cases, citizens identify when political critique has sufficiently dismissed these conditional principles by recognizing when the criterion of reciprocity has been met — that other citizens could endorse the reason that one citizen puts forth indicates that her judgments are sufficiently autonomous in guiding the actions of a plurality of reasonable persons who might not share her political convictions.

One might object to this attempt to link public reason to political critique by noting that Rawls, himself, allows citizens to introduce external authorities when engaged in public reasoning. Specifically in the *proviso*, Rawls permits the use of subjective principles of reasoning into public debate, so long as those arguments are eventually

accompanied by purely political reasons to support their view. As he writes, “reasonable comprehensive doctrines, religious or nonreligious, may be introduced in public political discussion at any time, provided that in due course proper political reasons [...] are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support” (PL 462). As such, it seems as though Rawls grants that some uses of public reason do not require that citizens subject their reasoning to the sort of critique outlined here. But we would be mistaken to read Rawls as claiming that citizens have offered properly public reasons in the time between offering a reason based in their comprehensive doctrines and the introduction of a subsequent, political reason. Justification based in one’s comprehensive religious, philosophical, or moral values is not a proven public reason unless it is given subsequent political support. While Rawls allows such views to enter the public political arena, they are not sufficiently public reasons until they can also be supported by a reasonable political conception of justice. It seems as though the very capacity to meet the requirements of public reason requires the process of political critique.

But the *proviso* also appears to further emphasize the role of political critique in public reason by establishing a norm by which reasons based in external authorities are to be rejected. A citizen who justifies her political view with reference only to religious doctrine cannot be said to have voiced that view using public reason until she is able to justify it using principles that all citizens should reasonably accept. This seems to suggest that, in practice, there is a necessary degree of political critique in citizens’ attempts to justify their doctrinal view on political grounds. A citizen who justifies her stance with reference to the claims of her religion or some other subjective principles will have to identify and set aside those principles when using public reason. Citizens will not be successful in reformulating their view in public political language until they come to

recognize that the principles in which their reasons are grounded are insufficiently absent of subjective conditions. The *proviso* is not only a norm by which some latitude is given to those who reason using comprehensive doctrines and are free to do so, but also outlines the conditions under which reasons based in external authorities are not sufficient for being accepted into public debate.

The public norms of reason that Rawls outlines are met when citizens subject their principles of reasoning to political critique. To reason publicly is to view, as the sole authority for establishing political relations within a specified plurality, norms of thought and action that all reasonable persons could reasonably agree to as sufficiently autonomous grounds for doing so. In order to engage in public reasoning, citizens must be able to identify and evaluate the principles of reason that could be used for the basis of collective political agreement. To the extent that political critique achieves its task, citizens follow the constraints of public reason upon completing a process whereby the principles of reasoning are acceptable to a plurality of reasonable citizens as the basis for genuine public debate. Indeed, borrowing Kant's view about the relationship between autonomy and critique, the 'shared principles and criteria' of reason that Rawls views as integral to political justification within a plurality exhibits norms whereby the reason of citizens are assessed in relation to their capacity to substantiate the authority of reason in choosing for all citizens.

One objection to my reading of Rawlsian public reason might note that, even if political critique is compatible with Rawls' doctrine, it is not strictly necessary for deliberating in accordance with its standards. Citizens can successfully use public reason without self-reflexively or dialectically examining the principles underlying their arguments. The use of public reason consists in abiding by the constraints on political discourse that Rawls provides, but need not involve any critical analysis of one's reason.

But this objection misrepresents my argument. My view is not that citizens cannot meet the standards of public reasoning without subjecting their reason to critique — certainly citizens could meet these criteria by, even with a certain amount of luck, forming an argument that simply turns out to satisfy the standards of public reason. My argument surrounds reasonable persons specifically, why they accept the idea of public reason, and how such citizens utilize political critique in evaluating public political arguments. I claim, first, that those who seek to follow the norms of public reasoning — that is, reasonable persons — hold their two aforementioned virtues by subjecting their reason to political critique. But I also claim that, for those who *actively engage* in public norms of reasoning, political critique is a means of forming and evaluating arguments presented in the political sphere by both assessing principles of reasoning and making reasonable judgments on this basis. Individuals can certainly form arguments that subsequently conform to the standards of Rawlsian public reason. But in my view, those who actively seek to follow Rawls' doctrine are already engaged in judgments about the reasons they use, the reasoning of others, and hence use this notion of political critique in forming and evaluating public reasons.

One might further object to my view that public reason involves political critique on practical grounds. If the only principles of reasoning that are suitable for public deliberation are those that citizens could accept irrespective of their differentiating features, then we appear to be left with an exceedingly limited set of principles. It seems as though, on my reading, reasons based in the interests, goals, and desires of individual citizens would no longer be at their disposal in forming and justifying political arguments. What would be left of political justification if such principles were not appropriate grounds for public reasoning? In response to this objection, I emphasize that the set of principles that citizens could accept as the basis for political argument will

depend on the specified plurality of which they are a part. That is, whether citizens would view certain interests or motivations as an acceptable grounds for public reasoning rests on their willingness to find one's interests reasonably acceptable. This will depend on, among other things, the aims of other citizens and the extent to which they are compatible with the motivations cited in one's political arguments. Whether these principles are sufficiently autonomous to use in political argument will thus be made evident by their having sustained political critique. As such, individual motivations are an acceptable grounds for public reasoning to the extent that those principles have survived rational scrutiny. But this does not reject the use of one's own unique interests in political justification. It simply defines the parameters by which those principles are established as acceptable to a specified plurality of citizens.

Underlying this reading of Rawlsian public reason is a further implication for the broader values of political liberalism. Through political critique, citizens identify the principles of their reasoning and evaluate the extent to which they are sufficiently autonomous to be accepted by a plurality of citizens. But if we accept Kant's claim that, through critique, reason substantiates its own authority, then we find a subsidiary conclusion for Rawls' theory of political liberalism — that in establishing the authority of reason in the public political sphere, citizens recognize a standard of reasonableness as sufficiently authoritative to provide them with normative guidance. What validates political liberalism's principle of legitimacy, on this reading, is that reasonable citizens collectively subject their reason to political critique and therefore view reason as politically authoritative. Thus, the role of critique is also perhaps a process whereby a standard of reasonableness gains the authority necessary to provide normative guidance to citizens at large. In the coming section, I outline this claim at greater length and offer it as a response to the David Estlund's criticism of political liberalism.

But there are also some clear benefits to reading Rawls' doctrine of public reason in light of this process of political critique. In particular, it offers a response to Joshua Cohen's argument that Rawlsian public reason ought to make use of a political conception of truth. In my view, this reading of public reason as involving political critique indicates a way forward for Rawls. Using his notion of objectivity in particular, we can justify his claim that public reasoning can avoid claims to truth by illustrating how political views are 'correct' even when they remain silent on truth-based arguments. As I claim in the forthcoming discussion, Rawls can respond to Cohen by placing greater emphasis on the epistemic bases by which political views become objective.

5.5 TRUTH, OBJECTIVITY, AND POLITICAL CRITIQUE

Rawls' claim that the 'right' political views are those that all citizens could accept in light of their common human reason has garnered substantial criticism in the literature surrounding his work. As previously discussed in Chapter Four, one critic of this view is David Estlund. In his view, the liberal principle of political legitimacy — a tenet of political liberalism that enshrines this standard — requires an external acceptance criterion that does not merely reiterate the requirement of acceptance by reasonable persons. He argues that, without some basis for justifying the acceptance of this doctrine, Rawls is left with three unworkable theories — one untenable, one dogmatic, and one non-substantive. Estlund argues that, in order to avoid this issue, Rawls' liberal principle of political legitimacy must rely on some acceptance criterion that asserts the truth of the principle. If Estlund is correct, the grounding principle of political liberalism becomes the one and only political doctrine that is appropriately accepted on the basis of its truth. In Chapter Four, I concluded my analysis of Estlund's argument by accepting his claim that the principle of legitimacy requires an external criterion of acceptance.

However, I denied his claim that the notion of truth underlying his acceptance criterion would not conflict with comprehensive doctrines of truth that citizens must remain free to endorse. As it stands currently, Rawls still requires some external means by which reasonable persons come to accept the liberal principle of legitimacy.

Following my reading of Rawls in relation to political critique, I find two viable criteria by which reasonable persons could accept the liberal principle of legitimacy. One route would be to claim that the acceptance of this principle rests on its having been objectively justified — that is, one could claim that reasonable persons accept this principle once it can be shown to be grounded in principles that are sufficiently autonomous to convince a specified plurality of citizens to accept it. For Rawls, objectivity is gained when a political view is presented and justified in accordance with principles that each and every citizen would accept as sufficient for endorsing it. The justificatory standard for objectivity is much higher than those of reasonableness, and the former requires a more extensive process of critique. Objective views are precisely those that are able to be justified with little, if any recourse to the conditions that serve to differentiate a pluralistic citizenry.

To the extent that it can be justified without recourse to the subjective conditions that differentiate one citizen from another, the principle of political legitimacy is an objective political view. Of course, this is contingent on whether or not the principle can be justified on the basis of sufficiently autonomous principles of reason. While it would take me too far afield to try to form such an argument, it remains plausible that, insofar as the liberal principle of legitimacy *could* be justified on objective grounds, it is able to be accepted by an external criterion. Namely, reasonable persons accept it because it serves to provide a view of political relations that holds regardless of the subjective conditions that differentiate each citizen. Accordingly, citizens do not accept this

principle because it is reasonable for them to do so, but rather because they recognize that the justification for such a principle is objectively valid. They accept the liberal principle of legitimacy because it has been justified in the absence of principles of reasoning to which citizens would object. The external criterion that Estlund seeks seems to lie within the potential for the liberal principle of legitimacy to be accepted not because reasonable persons would endorse it, nor because it is true, but rather because it can be justified without recourse to subjective principles by which they are otherwise differentiated.

Alternatively, we might respond to Estlund by returning to the relationship between critique and the authority of reason. In particular, I argue that the acceptance of this principle rests on the fact that reasonable citizens subject their principles of reason to critique and hence, establish the authority of reason in providing normative guidance. In the process of critique, reason's principles are examined, scrutinized, and eventually deemed to be sufficiently autonomous. Upon the placing these principles under scrutiny, reason establishes itself as authoritative in supplying normative guidance. In the case of political critique, we might once more extend the distinction between Rawls and Kant by claiming that this process makes reason authoritative in supplying specifically *political* normative guidance. Hence, and only through critique, citizens validate reason's authority to guide them in forming political views, their justification, and when to accept the political doctrines as reasonable. Following this discussion of political critique in Rawls' work, we are given an external basis for accepting the liberal principle of legitimacy insofar as political critique serves to substantiate reason's authority as sufficient for the enactment of a principle specifying the acceptance and rejection rights of reasonable persons.

What grants reasonable citizens the authority to exercise these rights is that only they have verified the authority of reason in providing political normative guidance. Reasonable persons are awarded acceptance and rejection rights on the grounds that only they have substantiated the authority of reason in making political decisions. By subjecting their reason to political critique, reasonable citizens are precisely those who view reason as the only proper authority in supplying a pluralistic citizenry with norms and standards of thought and action that are sufficiently autonomous to guide such activity for all. For illustration, let us momentarily recall Estlund's hypothetical proposal of using 'all redheads' as a specified group for the principle of legitimacy. He writes that, "they may or may not object to their own inclusion, but many would object to making acceptance by all redheads necessary for the admissibility of a doctrine into political theory for the same reasons the rest of us would" (IR 258). In light of this notion of political critique, we see precisely why many would reject such a specification — because it rests on subjective, if not totally arbitrary, principles of reasoning that would not survive rational scrutiny. What affords reasonable citizens the authority to accept a political doctrine that specifies their own acceptance and rejection rights is that they would, in fact, reject such a principle had it been specified and grounded by subjective principles that failed to sustain political critique. By vindicating the authority of reason through critique, reasonable persons gain the authority of using their reason as the basis for subsequent political judgments.

To the extent that we accept this notion of political critique and its relation to reasonable persons, we have two angles from which we can respond to Estlund. First, it may be the case that the liberal principle of political legitimacy can be justified objectively. In this case, the view is made tenable by the fact that, had it been formed and justified using insufficiently autonomous principles, it would not have been accepted

by reasonable persons generally. An alternative, more definitive response uses the relationship between critique and reason's authority. Reasonable persons gain the authority to accept such a doctrine because, as those who subject their principles of reasoning to political critique, they vindicate the authority of reason in the normative guidance that it supplies. Reasonable citizens rightfully accept the principle of legitimacy in a tenable, substantive, and undogmatic manner since they have verified the authority of reason in guiding a pluralistic citizenry by subjecting their reason to political critique.

Let us now turn to see how these considerations engage with Cohen's argument. Recall that Cohen's criticism maintains two claims. First, he argues that, despite Rawls' justification for avoiding truth in political deliberation, the concept of truth plays a fundamental role in public reasoning. As he writes, "the idea of locating a common ground of political reflection and argument that does without the *concept* of truth — like doing without the concept of an object, or cause, or thought, or reason, or inference or evidence — is hard to grasp" (Cohen 14-5; emphasis in original). Second, Cohen argues that a viable conception of truth suited for public reasoning must be strictly political and hence, compatible with the values of political liberalism.

Cohen specifies two requirements for a political conception of truth that make it amenable to public norms of reasoning. First, it must "avoid asserting any theory about the nature of truth or its lack of a nature" (Cohen 26), thereby ensuring that a political conception of truth is compatible with other, more philosophically robust doctrines of truth that citizens might accept. Second, Cohen argues that a political conception of truth must simply outline a set of uncontroversial claims about truth that function for the purposes of public debate. Cohen decides to leave this list open-ended, claiming that reasonable persons would settle on the claims that comprise a political conception of

truth for themselves, and do so in such a way as to ensure that its claims are compatible with other doctrines from which citizens are free to choose.

However, and following Jethro Butler's argument, it remains contentious whether a political conception of truth can satisfy both of these conditions. In Butler's view, the only way for a political conception of truth to be adequately descriptive — that is, useful in public deliberation — is for it to infringe on the values of political liberalism. An adequate description of truth will allow citizens to make judgements about, among other things, value-based claims, the soundness of moral principles, or broader normative considerations. But to the extent that citizens must be free to decide such matters for themselves and view them as true, Butler argues, we may not be able to formulate a political conception of truth that does not conflict with the tenets of political liberalism. Whether a political conception of truth can satisfy these criteria is questionable, but Cohen's initial claim stands. Rawls still requires some epistemic standard of 'correctness' that is suited for genuine public deliberation other than that of mere reasonableness.

I claim that Rawls' notion of objectivity, once interpreted as contingent on the process of political critique, serves as measure of epistemic justification that is sufficient for public political debate. Here we return to the distinction between reasonableness and objectivity. The latter specifies a political view when it moves citizens to accept it regardless of the motivations or values that make it reasonable only to some citizens. That is, a reasonable view may nevertheless fail to convince all reasonable persons to accept it, while justifying an objective political view rests on the acceptance of reasons that make no reference to values or motivations that differentiate individual citizens.

Accepting that the notion of objectivity is tied to political critique in the manner that I urged, we are not only given the type of robust epistemic standard that Cohen

views as necessary for genuine public debate, but also a similar standard of deliberative guidance that Cohen claims truth to have. On the first account, Rawls' conception of objectivity places a higher epistemic standard on the views and reasons that citizens provide. A correct political view earns its objective status by virtue of the fact that it has been justified without recourse to principles that differentiate a plurality of citizens. As has already been mentioned in the sections above, this is a more demanding standard, and requires a more extensive degree of political critique than is the needed for mere reasonableness. In practice, objectivity requires higher standards of thought and action and, as it would seem, norms that are more acutely focused on the epistemic bases of political views. In order to form and justify political views that could convince a plurality of citizens to accept them, objective views will have to use epistemic norms that are not required in the case of reasonableness alone. A political view that cites contentious factual claims, questionable norms of inference, or otherwise debatable epistemic criteria may nevertheless be viewed as minimally reasonable, but would not sufficiently convince an entire citizenry to accept it. To the extent that objectivity requires greater epistemic standards in cases such as these, it may well serve as the sort of 'correctness-bearing' norm that Cohen seeks to introduce into public reason. Citizens seeking to provide objective justification in public reason will therefore be held to epistemic criteria that are more robust than those required in forming merely reasonable views.

But it should also be noted that there appears to be some affinity between the degree of political critique necessary for objectivity and the concept of truth as Cohen sees it. Objectivity rests on there being reasons for a view that citizen could accept even when they are differentiated by broader values and standards. As such, gaining objectivity in one's views, reasons, and political judgments functions much in the way

that we normally think about truth as an epistemic basis for thought and action that holds irrespective of certain subjective considerations. Of course, the degree to which truth holds without subjective experience is contentious in philosophical debate. But to the extent that political objectivity rests on the acceptance of reasons and principles that are persuasive regardless of the subjective factors that differentiate individuals, there does appear to be some likeness between the role of truth in public debate as described by Cohen and the notion of objectivity with its connection to political critique.

Cohen argues that the role of truth provides the type of normative epistemic guidance that is necessary for genuine public debate. In his view, public reason should include norms specifying the epistemic validity of political arguments. I claim, however, the role of political critique in Rawls' conception of political objectivity already has the capability to serve these epistemic purposes. First, in being distinct from mere reasonableness, objectivity rests on an epistemic standard that is more demanding than is required for the justification of reasonable political views. By placing a higher standard on citizens' views and how they are to be justified, Rawls' conception of objectivity requires a greater degree of political critique than other political views. This places greater epistemic burden on those forming, justifying, and scrutinizing a certain caliber of argument. Moreover, I argue that, as the notion of objectivity relates to political critique, it already requires norms of justification that function much like truth does. That is, objectivity rests on there being reasons for accepting a view that hold irrespective of subjective considerations and therefore is similar to a folk understanding of truth. In both cases, to the extent that public reason is used to form and debate objective political views, public reason does not require the introduction of truth as an epistemic standard, for objectivity is capable of enforcing weightier epistemic burdens on reasonable citizens when they seek to form views that are trying to convince all others to accept it.

Viewing Rawls' conception of objectivity as an epistemic standard that relies on political critique also has the added benefit of providing a further justificatory norm while remaining compatible with the basic principles of political liberalism. But one might object to my response by reiterating Cohen's argument and noting that, whether or not this notion of objectivity serves as a more extensive epistemic standard, it still stands that citizens have no basis for claiming that a view is positively false, that their fellow deliberators are misrepresenting facts, or that their argument relies on incorrect information. Even if it functions *like* truth, one might claim, objectivity as a concept is not capable of guiding us in evaluating such issues.

To a certain extent, this is an argument that I am willing to grant. However, there are some considerations that should question the force of the criticism. First, I would question whether such truth-based disagreements are as pervasive as they would be if objectivity failed to serve any epistemic purpose in Rawls' picture. If objectivity requires the formulation and justification of views that are correct regardless of one's subjective conditions, certainly such standards will curb at least some instances in which false claims are being made. As noted above, the epistemic standard of objectivity will successfully prevent the formulation of views that rest on contentious factual claims or questionable norms of inference. Even if citizens remain unable to explicitly renounce views that are false, the epistemic standard within Rawls' notion of objectivity allows citizens to reject false views implicitly in the fact that they refuse to accept them.

5.6 CONCLUSION

This chapter has offered a reading of Rawls that emphasizes what I view to be integral and unappreciated Kantian elements in his theory of political liberalism. I began with a discussion of Kant's view of autonomy, the role of critique, and the authority of

reason. I emphasized the place of each in Kant's picture of public reason and enlightenment. Over the span of this chapter, parallels were drawn between these three facets of Kant's thought and Rawls' writings on political autonomy, objectivity, reasonable persons, and ultimately his doctrine of public reason.

Paramount to this new, Kantian reading of Rawlsian public reason was an emphasis on the role of critique in political justification. I argued that Rawlsian public reason is deeply tied to a process whereby citizens come to either self-reflexively or dialectically subject the principles of their reason to scrutiny. I offered a Rawlsian parallel in formulating a notion of political critique, defined as the process by which the reason of citizens comes to dismiss its subjective conditions *until the point at which the dismissal of those subjective principles is sufficient for the acceptance of a specified plurality of citizens*. I related this notion of political critique to Rawlsian public reason from a number of angles. First, I drew some subsidiary conclusions to Rawls' definition of reasonable persons and how their ability to exercise their particular virtues involves the process of political critique. I then moved to examine Rawls' doctrine of public reason and the role of political critique in abiding by its norms. Specifically, I claimed that satisfying the criterion of reciprocity rests on the capacity to self-reflexively or dialectically examine the principles of one's reason and the reason of one's fellow deliberators. Similar connections were drawn in relation to the *proviso*. In short, I aimed to offer a reading of Rawlsian public reason that emphasized the role of political critique in the ability of citizens to successfully abide by its norms.

I then turned to offer responses to the criticisms levied against Rawls by David Estlund and Joshua Cohen. In response to Estlund, I argued that the acceptance criteria that he views as necessary for a workable theory of political liberalism can be found in Rawls' conception of objectivity and that, furthermore, what allows reasonable

citizens to accept the liberal principle of legitimacy is that they have subjected their reason to critique and have thereby substantiated the authority of reason in supplying reasonable persons with normative guidance. That citizens substantiate the authority of reason allows them to accept a specification of their acceptance and rejection rights whereby reason has the normative force to choose for all citizens. In response to Joshua Cohen, I argued that Rawls' notion of political objectivity serves as a viable epistemic standard of the type that Cohen seeks to introduce. I claim that objectivity's function in political debate is akin the role of truth, with the added benefit of providing epistemic standards that remain compatible with the fundamental values of political liberalism. Objectivity, like truth, is granted irrespective of the subjective conditions that differentiate citizens. Much like truth, objectivity is achieved by the fact that all citizens view arguments made in accordance with these standards to be right regardless of their subjective values and thus, shares some affinities with the folk understanding of truth that Cohen claims to be necessary to genuine debate.

Ultimately, this chapter has brought together the writings of Kant and Rawls with the aim of establishing some crucial Kantian roots in Rawls' thought and his doctrine of public reason. To the extent that these parallels are a rightful addition to Rawls' work, his theory and its practice is offered a new, robust understanding of the lineage between both thinkers. Insofar as these considerations hold, they offer a response to a line of criticism that remains a hurdle for Rawlsian political theory.

Chapter 6: Conclusion

This project has aimed to trace part of the conceptual lineage of the work of John Rawls in the writings of Immanuel Kant. First, I provided a survey of Kant's account of reason, tying various elements of his critical and practical project to his notion of reason's regulative principle. Examined in relation to Kant's venture of uncovering a common principle of reason, I offered an understanding of 'Kantian reason' that could be used to draw parallels between his and Rawls' work. Various elements of theoretical, practical, collective, and public reason were sketched in relation to reason's regulative principle and the extent to which it serves a categorical imperative on all rational activity. In Chapter Three, I turned to outline Rawls' theory of political liberalism. My exegesis focused on the practical turn in Rawls' thought, his notion of political legitimacy, and most centrally, his doctrine of public reason. Here, I gave an account of Rawlsian public reason as equipping a reasonable, pluralistic citizenry with norms of thought and communication that lend themselves to robust, productive, and genuine political discussion within the liberal constitutional democratic state. In Chapter Four, I highlighted a particular, epistemic strand of criticism brought against Rawls' work. I focused on arguments made by David Estlund and Joshua Cohen, each of whom took issue with Rawls' decision to avoid truth claims in his theory of political liberalism and his idea of public reason, respectively.

The prominent themes and argumentative force of these chapters then converged in the Chapter Five, where I argued that Rawls' ability to respond to the criticisms levelled against his work lies in a newly Kantian reading of his political theory. My argument proceeded in four broad steps. First, I outlined Rawls' definition of political autonomy and the extent to which it borrows from Kant. I argued that, as its name would suggest, Rawls' specification of autonomous political views and the political autonomy of

citizens serves as a political parallel to Kant's view of moral or practical autonomy as thought and action governed by reason alone. I then moved to extend this moral/political distinction to Kant's notion of critique — the process whereby the principles of one's reason are self-reflexively or dialectically scrutinized by reason itself or the reason of others — and the role of critique in Rawls' conception of political objectivity. I defended the claim that objective justification rests on the capacity of citizens to justify their views using principles that survive 'political critique', which I defined as the process by which the reason of citizens comes to dismiss its subjective conditions until the point at which the dismissal of those subjective principles is sufficient for the acceptance of a specified plurality of citizens. I argued that the same processes are at work in Rawls' definition of reasonable persons and their ability to successfully abide by the norms of public reason. Finally, I responded to the criticisms made by Estlund and Cohen by emphasizing the role of political critique in Rawls' theory of political liberalism and his doctrine of public reason.

Minimally, this project has borrowed various elements from Kant's writings that Rawls — a Kantian in his own right — could use to embolden components of his political theory that have abraded over years of theoretical and practical criticism. Maximally, I have argued that embedded within Rawls' work is a political adaptation of the more versatile and resourceful facets of Kant's critical and practical projects. Rawls' characterization of political autonomy, objective justification, reasonable citizens, and public reasoning each not only hold true to Kant's claims, but utilize his writings in providing a rational basis for identifying and evaluating the principles of one's reason when political matters are at stake. I claim to have successfully argued that each of these components of Rawls' political theory translate Kant's notion of rational critique into the political sphere, not only serving to judge principles of reasoning, but also acting

as the basis by which those principles are subject to the scrutiny of those onto whom subsequent judgments are politically binding.

I recognize that the success of this project is largely contingent on a particular reading of Kant's work, and acknowledge that my exposition of his claims would only be bolstered by criticism from those who view his thinking differently. By no means do I view my analysis of Kant to be complete, nor do I believe that an unabridged account of Kantian reason could have been given in a single chapter. While I aimed to remain neutral in the reading that I provide by working from the original texts wherever possible, I also made the pragmatic decision to avoid subsections of commentary on Kant's writing that would have taken my discussion too far afield. Some might therefore object to my approach on the basis that it fails to grasp the more subtle nuances of Kant's thought and its history. I also recognize that there is some scholarly debate over the most loyal translation of Kant's prose — a debate with which I did not engage when citing my translated copies. These each seemed to be necessary, but nevertheless self-imposed constraints that I placed on my discussion of Kant's work.

I also therefore acknowledge that my exposition and application of Kant's claims would be disputed by those who view the political potential of his philosophy differently. His writings on human reason have been cited and adapted in various ways to form political claims that differ greatly from those provided here. Those who view the best political interpretation of Kant to be found in the work of Hannah Arendt, Michel Foucault, or Robert Nozick, to name a few, may remain unsatisfied with the reading with which I work. Indeed, the contemporary Kantian Jürgen Habermas has borrowed from Kant's philosophy in providing an account of public reason that contends with Rawls' in a number of ways. Those who agree with my claim that Kantian reason carries fruitful political implications may nevertheless dispute my use of his work and the conclusions

that I draw from its employment. My approach to Kant's claims was to extract those that had the greatest potential to converge toward a survey of Kantian reason from which I could later borrow. I claim to have been successful in providing this survey on the basis of the material that I cited, even if these passages could have been interpreted alternatively or other selections could have been similarly effective in doing so.

Some might also object to my decision to refrain from engaging with competing conceptions of public reason. From the outset, my goal was to establish certain conceptual links between Rawls and Kant. While competing frameworks of public reason endorsed by Habermas or Gerald Gaus would have given this project a further critical component, I chose to use my exegetical space on claims that were more directly involved with the vindication of Rawls that I provided. My concern was not to elevate Rawlsian public reason above any alternative scheme of public discourse, but rather to show how certain Kantian influences strengthen his view and allow him to respond to criticisms of a particular sort. One potentially constructive extension of the argument made here would examine the extent to which these Kantian influences strengthen Rawls' doctrine of public reason against the sort of criticism levelled against it by these competitor theories of public reason. Conversely, one might analyze these alternative accounts against the backdrop of Kantian reason provided here, examining the extent to which these contemporary accounts of public reason are tied the Kantian tradition.

I also acknowledge that the norms outlined in Rawlsian public reason are scrutinized on alternative, non-epistemic grounds that were not discussed. Rawls' specification of the form, content, constituency, scope, and site of public reason have each garnered substantial criticism since the publication of *Political Liberalism* and his latter essay, "The Idea of Public Reason Revisited". Evaluating these Kantian influences in full would require an examination of how this reading of Rawls might lend itself to

responding to these objections. There is also the worry, following Charles Mills, that Rawlsian public reason takes part in a long lineage of ideal theory that abstracts away from the real sociopolitical world, making simplifying assumptions about the discourse of citizens, their capacities, and the standards of justification that are subsequently required. It remains to be seen whether the argument made here could engage as effectively with these other, equally pressing criticisms of Rawls' work.

In short, I recognize that there is a rich tradition of political thought that interpret, analyze, and criticize Kant and Rawls on grounds that I did not speak to here. But related to this acknowledgement is a potential criticism of my argument — namely, that it rests on the contentious methodological assumption that those influenced by or regarded as standing within a certain tradition are therefore available to be interpreted in light of that heritage. Rawls' work is as readily viewed in relation to economic and legal theory as it is on the basis of these Kantian claims. The parallels drawn here serve to only partially account for the originating influence of Rawls' work. While I do not think that the approach taken here placed any unwarranted emphasis on these Kant's influences, those who seek a full account of how Rawls' thought was shaped by past thinkers and traditions will find this examination of his work incomplete.

Ultimately, my hope for this project is that it serves as a rightful addition to an already dynamic field of commentary on Rawlsian political theory. While this literature is already very alive to the influence Kant had on Rawls' work, I hope to have made Rawls' readers more acutely aware of these debts and their origination in Kant's critical project. I hope that the notion of political critique outlined here and which is, in my view, crucial for some of Rawls most important claims might serve as the groundwork for further scholarship. I further hope that others might use this commentary either in alternative defenses of Rawls' claims or to examine and extend this notion of political critique in

relation to other components of the Rawlsian framework. In my eyes, the notion of political critique is not only a fruitful addition to Rawls' theory of political liberalism and his idea of public reason, but serves to underline Rawls' own aspirations for a modern constitutional democracy as one that is, itself, forged out of a lineage of political theorizing figure headed by champions of reason, opinion, and judgment over truths, austerity, and orthodoxy.

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