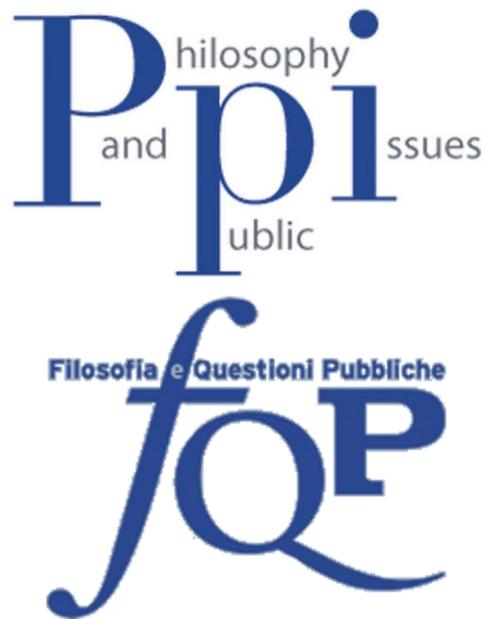


LIBERAL LEGITIMACY, PUBLIC REASON  
AND CITIZENS OF FAITH



THE PROBLEMS WITH THE  
BURDENS OF JUDGEMENT

BY  
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# The Problems with the Burdens of Judgement

Gozde Hussain\*

## I

### Introduction

**T**his paper challenges one of the main contributions of *Political Liberalism* (PL), namely the burdens of judgment (BoJ), on the grounds that it is superfluous to the project of excluding matters of the good from politics and it makes PL susceptible to a scepticism objection. From Rawls's PL, we can extract two arguments for epistemic restraint in the public realm. The first is a moral argument based on the principles of fairness and reciprocity. The second is an epistemic argument derived from the idea of the insurmountability of BoJ. The second of these arguments, I contend, is superfluous for two reasons: (i) BoJ, as a descriptive claim cannot itself explain why citizens should uphold a form of toleration that requires them to honor their epistemic restraint in politics. (ii) The moral argument alone is sufficient to justify epistemic constraint in the public realm through the reasonable exercise of political power.

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Moreover, acceptance of the BoJ is incompatible with subscribing to a reasonable comprehensive doctrine (RCD) with a degree of certainty that is required to be convinced of any such doctrine. The relation between BoJ and scepticism has been addressed before but these thinkers assume that it is the implication of BoJ namely, reasonable disagreement that entails scepticism. This paper lays new sceptical challenges at the doorstep of *PL* and these new challenges focus on the very idea of the insurmountability of BoJ. Furthermore, it argues that scepticism is not an appropriate epistemic commitment for *PL* as it is incompatible with the aim of freestanding political conception of justice. Also, it is subversive of the purpose of an overlapping consensus because the idea underpinning an overlapping consensus is that citizens should not only appreciate liberal political principles as reasonable but they should also accept them as true on the basis of their own religious or philosophical reasons. Provided that BoJ entails scepticism, BoJ makes citizens' religious and philosophical truth claims utterly irrelevant to the stability of society. Accordingly, I argue that the Rawlsian account of reasonableness must relinquish the epistemic component, BoJ; instead it should articulate how the moral component of reasonableness entails the principles of epistemic restraint in politics and acting from public reasons.

## II

### **Basic Component of Reasonableness and Central Concepts**

In *A Theory of Justice*, to account for the stability of justice as fairness, Rawls assumes that in a well-ordered society citizens can broadly agree upon what constitutes a good life, which includes aspects of Kant's comprehensive liberalism namely, the intrinsic good of autonomy (Rawls 1971, 111). In his later works, Rawls

recasts this account as he recognises that justice as fairness requires a constitutional democratic regime, and under the free institutions of a constitutional democracy the plurality of opposing and even incommensurable conceptions of the good is bound to come about and persist: the fact of reasonable pluralism (Rawls 1985, 225). Given the fact of reasonable pluralism, many reasonable and conscientious people who accept Rawls's principles of justice would be unable to accept the intrinsic good of autonomy. Consequently, this would destabilise the conception of justice and liberal political order. Rawls holds, if the principles of justice are to serve as a basis for public reasoning without destabilising consequences, they must be grounded in shared reasons, rather than in citizens' deeply conflicting conceptions of the good.<sup>1</sup> In *PL*, Rawls seeks to develop a political (i.e. not metaphysical) conception of justice the principles of which are publicly and widely acceptable among reasonable citizens of a democratic society.

The features Rawls attributes to reasonableness are drawn from a scheme of concepts and principles for articulating a certain political conception of the person (Rawls 1993, 86-7). Reasonableness can be explained in relation to its moral component: the criterion of reciprocity and fairness, and its epistemological component: BoJ.<sup>2</sup>

<sup>1</sup> Freeman, 2007, 17.

<sup>2</sup> To clarify this distinction, the moral component is having the *moral motivation* to find and abide by the principles of justice that are acceptable to all reasonable citizens. These are related to reasonable citizens' commitment to the principles of fairness and reciprocity, and to freedom and equality. These are all derived from the fundamental idea of political society as a fair system of social cooperation among free and equal persons. For Rawls, the concept of the reasonable is a distinct and fundamental element of the idea of the society as a system of fair cooperation among free and equal citizens (Rawls 1993, 49-51).

## II.1 A Criterion of Reciprocity: Moral Component

In a democracy, political power is always the power of the people as a collective body. How then can it be legitimate to coerce all citizens to obey just one law?<sup>3</sup> This issue is framed by Rawls's liberal principle of legitimacy (Rawls 1993, 137). According to this principle, the use of political power should satisfy the criterion of reciprocity in order to be legitimate: citizens must reasonably believe that all citizens can reasonably accept the enforcement of a particular set of basic laws (*ibid.*). Rawls's answer to the question of why citizens would be willing to fulfil this criterion begins with the premise that the citizens of a democratic society are reasonable by virtue of their commitment to constructing a political society that is fair and designed for mutual benefit among free and equal citizens. Given that reasonable citizens view the political society as a fair system of social cooperation among free and equal persons, they are expected to *have the moral motivation* to cooperate with others on the basis of the reciprocity principle i.e. on terms that all the similarly motivated participants can accept (*ibid.*, pp. 49-50).

Thus, reasonable citizens' appreciation of the idea of society as a fair system of social cooperation is independent of their acknowledgment of BoJ (further elaborated in Section IV.1 and IV.2). BoJ, on the other hand, contains *epistemological elements* i.e. insurmountable limits on human reasoning and the reasonable disagreement that arises as a result. Rawls holds that reasonable citizens should appreciate both the moral principles and the epistemological assumptions to arrive at the principles of epistemic restraint in political realm. (See Quong, 2010, 195)

<sup>3</sup> Wenar 2013.

## II.2 Burdens of Judgment: Epistemic Component

Reasonable pluralism, for Rawls, is caused by reasonable disagreements and reasonable disagreements are not those that result from self-interest, prejudice, ignorance nor irrationality but rather occur as a consequence of sincere efforts of rational people to consider ethical, religious and philosophical questions (*ibid.*, 58). Under free institutions of a democratic society, there are certain limits of human reason that prevent sincere and rational people from arriving at a common philosophical, moral and religious framework. The limits of human reason, called BoJ, are listed by Rawls as follows: (i) the conflicting nature and complexity of evidence, (ii) the disagreements about the relative weight that different considerations should carry, (iii) the indeterminacy of concepts and conflicts of interpretation, (iv) the experiential differences: the way we evaluate evidence is partly influenced by our subjective life experience, (v) the different kinds of normative consideration on both sides of a question, and (vi) all social institutions being limited in the number of values they can incorporate. (*ibid.* 55-7).

Given the limits of human reason, in free societies, sincere and rational citizens will reasonably disagree with any particular conception of the good or comprehensive doctrine (CD). According to Rawls, this should lead reasonable citizens to reach two significant conclusions: (i) *Public reason*: BoJ set limits on the scope of what can reasonably be justified to others; therefore reasonable citizens, who acknowledge the BoJ, must restrict themselves to the political values of public reason (which free and equal citizens ought to share) and exclude their CDs (that are subject to reasonable disagreement) in discussing constitutional essentials (*ibid.*, 59). (ii) *A democratic idea of toleration*: It is unreasonable to use their shared political power to repress comprehensive views that are not unreasonable and so reasonable

citizens should endorse the principles of liberty of conscience and freedom of thought (*ibid.*, 61).

### **II.3 An Overlapping Consensus on a Freestanding Political Conception of Justice**

Given that political power should be exercised on the basis of the ideas and principles that reasonable citizens ought to share, the question is, ‘how is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitution regime?’ (*ibid.*, xviii). Rawls’s answer to this question is an overlapping consensus of RCDs on a freestanding political conception of justice (FPCJ). FPCJ is a moral conception developed for only the basic structure of society namely, for political, social and economic institutions in modern constitutional democracies (*ibid.*, 13). It is presented as freestanding because it is not derived from any particular comprehensive metaphysical or religious doctrine but its content “is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society” (*ibid.*).<sup>4</sup> Thus, the use of political power would be legitimate when it is exercised by reference to a FPCJ because it contains principles and ideas that the free and equal citizens of a system of fair cooperation ought to endorse (*ibid.*, 137-8).

According to Rawls, the stability of society demands that reasonable citizens view the principles of FPCJ not only as reasonable but also as rational or correct ones. This entails that reasonable citizens must be able to provide reasons grounded in their own philosophical, and religious views in support of FPCJ: this is what Rawls calls an overlapping consensus (OC). Since the

<sup>4</sup> In Estlund’s terms, its content is presented by reference to the truth in a mundane sense (Estlund 1998, 263).

FPCJ stays silent on the meta-ethical status of political principles, it would not conflict with various RCDs. It is then up to each citizen to decide how their RCD to decide fits with the political conception of justice. In this way, the FPCJ and its fundamental ideas<sup>5</sup> will not only be reasonable but they can also be *true or rational* from the perspective of his or her own CDs.<sup>6</sup> Thus, OC ensures the stability of liberal society. This shows that, in *PL*, the truth claims can play role in ensuring the stability of society. Rawls emphasizes the role of CDs as follows: “The fact that people affirm the same political conception on those grounds does not make their affirming it any less religious, philosophical, or moral, as the case maybe, since the grounds sincerely held determine the nature of their affirmation” (*ibid.*, 147-8).

### III

#### Sceptical Reasonable Citizens

I now turn to demonstrate the implausibility of being *rationally certain* about the correctness of one’s CD while supporting one of Rawls’s fundamental ideas viz. the insurmountability of BoJ. It must be noted that this argument does not intend to challenge the existence of BoJ *per se*, i.e. whether there are actually limitations on

<sup>5</sup> Rawls views not only the FPCJ but also its fundamental ideas as subjects of an OC. He highlights the depth of OC as follows: “...consensus goes down to the fundamental ideas within which justice as fairness is worked out. It supposes agreement deep enough to reach such ideas as those of society a fair system of cooperation and of citizens as reasonable and rational, free and equal” (Rawls 1993, 149).

<sup>6</sup> Rawls says: “Since we assume each citizen to affirm such view [comprehensive doctrines] we hope to make it possible for all to accept the political conceptions as true or reasonable from the stand point of their own comprehensive view, whatever it maybe” (*ibid.*, 150).

human reasoning or whether these limitations are surmountable.<sup>7</sup> The concern of this paper can be summarized as follows:

(a) The reasonableness of CDs is contingent upon their accepting the existences of BoJ as the correct explanation for reasonable pluralism (discussed in section II.2)

(b) The insurmountability of BoJ is an epistemological assumption with particular epistemological implications namely, accepting this assumption entails scepticism (doubt rather than denial).

(c) (b) Negates Rawls's claim that BoJ does not have to have any epistemological implications.

(d) Premises (b) and (c) defeats the purpose of FPCJ and OC.

First, I present my argument for (b). In so doing, I engage with the *prominent* advocate of scepticism, Brian Barry. Barry defends the requirement of scepticism for three main reasons. One of them is that scepticism is an appropriate epistemic response to reasonable disagreement (the other two will be discussed in in relation to my argument (d) below). I contend that it is not reasonable disagreement that entails scepticism but the epistemological idea of the insurmountability of BoJ. Although Rawls and his allies successfully avoid the sceptical objections based on reasonable

<sup>7</sup> See Chan 2000, 11.

disagreements,<sup>8</sup> in my view, this paper lays a new and more compelling sceptical challenges at the doorstep of *PL*.<sup>9</sup>

Barry attributes scepticism to the implication of BoJ, namely, reasonable disagreement.<sup>10</sup> Barry believes, it is implausible for us to hold a belief with certainty while we cannot persuade others of its truth. He states:

I question, however, whether certainty from the inside can coherently be combined with the line that it is reasonable for others to reject that same view. The most promising case would seem to be that of a private religious revelation. Suppose that God were (as it seemed to me) to grant me a vision in which certain truths were revealed. A partisan of epistemological restraint would suggest that I might be absolutely convinced of the veridical nature of this revelation while nevertheless admitting that others could reasonably

<sup>8</sup> For instance, Thomas Nagel argues that it is plausible to remain convinced while not being able to convince others of its truth. See Nagel 1987, 230. Also, see Mendus 2002, 20.

<sup>9</sup> Enoch 2015 also explores the relation between BoJ and scepticism. He analyses numerous epistemological positions in the literature and contends that none of them would work for *PL* and therefore political liberals should not adopt for any epistemological position. My argument is different from Enoch's in two ways. (i) I only focus on the relationship between the insurmountability of BoJ and the basic requirements of rationality, which is not directly and explicitly dealt in Enoch's account. (ii) Although I agree with Enoch that political liberals should not reply on any epistemological assumptions, I also argue that political liberals do not need to rely on any epistemological elements because the moral component of reasonableness alone can justify the principles of epistemic restraint in politics.

<sup>10</sup> Joseph Raz also talks about this possibility. Although he does not advocate that the reasonable disagreement has to imply scepticism, he points out that "The simplest and most elementary takes the fact of disagreement as a reason to double check one's own views. Disagreement is proof that at least one of the parties is wrong, and one must wonder whether it is not oneself who is in the wrong." See Raz 1998, 50.

reject my evidence. But is this really plausible? If I concede that I have no way of convincing others, should that not also lead to a dent in my own certainty? (Barry 1995, 179).

Barry hence suggests, in the face of reasonable disagreement where we cannot persuade others about the correctness of our conception of the good, we ought to endorse moderate scepticism. He seems to be arguing that it is the implication of BoJ namely, a reasonable disagreement, that entails scepticism. To the contrary, I believe that, in the face of reasonable disagreement, subjects can rationally remain convinced.

In general, any reasonable disagreement is peer disagreement. It takes place among epistemic peers as it cannot result from ignorance, irrationality, bias, prejudice or selfishness.<sup>11</sup> Epistemic

<sup>11</sup> Prior to argue that it is not the reasonable disagreement that entails scepticism, it is important to define the reasonable disagreement clearly and accurately. Those who suggest that reasonable disagreement must entail scepticism, essentially contend that the peer disagreement should entail skepticism. The definition of reasonable disagreement includes ‘the ideal reasoning’, namely reasoning takes place among epistemic peers. It cannot result from *ignorance, biases, irrationality, prejudice or selfishness*. This does not seem to be grasped by some thinkers. For instance, McCabe distinguishes the justifiability in practice from justifiability in theory and demonstrates that *PL* interprets liberal legitimacy in terms of what is justifiable to citizens in practice as opposed to good reasons in theory. He offers an analogy for justifiability in theory: ‘...an astrophysicist trying to justify to me some claim about the passage of time relative to an object moving near the speed of light would not get very far. Many of the concepts she would invoke and the steps of reasoning that lead to her conclusion are simply beyond my abilities. But my obtuseness should not shake her confidence in her claim. Indeed, while her claim is not in practice justifiable to most people, this should not lead her to doubt that it is correct and is, in some important sense, justifiable. Belief in the truth of many claims is often of this sort, that is, belief that they are justifiable to competent interlocutors with adequate epistemic

peers who have approximately equal powers of reasoning, are equal with respect to background information and have shared all relevant evidence. Like Barry, the epistemologist Richard Feldman also argues that reasonable disagreement cannot subsist between convinced epistemic peers because where the body of evidence is completely indeterminate, it seems utterly unjustified to think that one conclusion is true (Feldman 2017, 202). Therefore, they must opt for a position that can only be described as ‘agnostic’. Feldman bases his argument on The Uniqueness Thesis. According to this thesis, rationality demands that if a set of reasons uniquely support or discredit a proposition, agents ought to support or deny that proposition. If the reasons neither uniquely support nor uniquely deny a proposition, agents ought to suspend their judgment on a proposition (*ibid.*). Given that peer disagreement cannot uniquely support one set of reasons, the appropriate epistemological state is agnosticism. Feldman’s thesis has been challenged from many different perspectives. Some epistemologists challenge this claim on the ground that all relevant evidence cannot be shared. Or, even if the relevant evidence could be shared, Goldman, for instance, argues, it would not have the same justificatory force for the epistemic peer who has not experienced the evidence (Goldman 2010, 210). Thus, I believe, in Barry’s example, the person whom

capabilities faced with similar evidence.’ (See: McCabe 2000, 318). I believe, this analogy is not appropriate to explain the justifiability in theory that Rawls advocates. Given that McCabe is ignorant in the given subject, his disagreement with astrophysicist is irrational. It is important to appreciate that reasonable disagreement in theoretical justifications are not those that result from self-interest, prejudice, ignorance or irrationality but rather occur as a consequence of sincere efforts of rational and competent people to consider ethical, religious and philosophical questions (see Section II.2). Their justifiability is limited not by the incompetency of their interlocutors but by the insurmountability of the limitations on human reasoning. Therefore, *PL* views the interlocutors in reasonable disagreements or theoretical justification as *epistemic peers*.

God granted a vision could justify his confidence in his own judgment in terms of the justificatory force of experienced evidence.<sup>12</sup> In addition to these objections to Feldman's argument, I maintain that The Uniqueness Thesis is too demanding and I don't believe any normal epistemically competent subject can hold themselves to this epistemological standard. Barry seems to expect citizens of democratic society to commit to the epistemological standard of The Uniqueness Thesis i.e. unless all citizens can uniquely be united in their belief that a certain conception of human flourishing is the correct one, they should all doubt their judgments. I believe, any normal knowing subject would appreciate that there may be compelling reasons for others to hold different views. So long as subjects could believe that their own reasons can support their beliefs, their certainty in their judgments are justified and rational. This means that Barry's epistemological standard is too demanding for any normal epistemically competent citizens. Given the demandingness of Barry's epistemological standard, political liberals can convincingly deny that scepticism is the inescapable consequence of reasonable disagreement.

I argue, however that individuals cannot be plausibly certain about their philosophical or religious views while accepting the insurmountability of BoJ because their certainty would be inconsistent with the basic requirement of rationality. To elaborate: the insurmountability of BoJ is not only about a subject's position to their interlocutors or their interlocutor's evidence but is also about their position with respect to their own reasons that support their judgments. The insurmountability of BoJ is an epistemological assumption about the nature of human reasoning. It lends support to the views that the reasons (or evidence) that support one's judgment are vague, conflicting, indeterminate

<sup>12</sup> Other epistemologists like Thomas Kelly doubts about the epistemology of peer disagreement as an advice-generating enterprise. See Kelly 2010.

(depends on interpretation), complex or influenced by our subjective life experience. The minimum rationality requires forming a belief in response to the reasons or evidence that one has because beliefs that do not fit the evidence are unjustified and irrational.<sup>13</sup> Here, the difference between The Uniqueness Thesis and basic requirement of rationality must be highlighted. The former demands *all* evidence to uniquely support one judgment but the latter requires subjects to be able to believe that *they have appropriate evidence* for their judgment. Thus, the latter is less controversial and much less demanding. So, for the basic rationality requirement, the subject must be able to hold that their reasons can support their beliefs. If subjects themselves believe that their reasons are inherently subject to these limitations, their certainty about the correctness of their judgment would not fit the evidence (since evidence is indeterminate, complex, influenced by arbitrary life experiences etc.) and so their certainty will be unjustified and irrational. Or to put another way, if one believes that there are limitations on human reasoning, one must appreciate that one's reasons that support this judgement are also subject to these limitations. Then, how can one come to hold a belief with certainty, if one think that one's reasons for one's own judgments are uncertain?

In the face of reasonable disagreement, subjects could appreciate that both themselves and their interlocutors may have compelling reasons to support their beliefs. So long as subjects themselves can believe that they have good reasons that support their judgment, their certainty is justified and rational. However, with the acknowledgment of the insurmountability of BoJ, subjects would come to realise that neither they nor their interlocutors have decisive, clear or non-arbitrary reasons that can justify their confidence in the correctness of their beliefs. Thus, it is not peer

<sup>13</sup> Conee and Feldman 2004, 55.

disagreement *per se* that entails scepticism but the acknowledgment of the insurmountability of the limits on human reasoning that requires a rational believer to opt for scepticism (interpreted as doubt and hesitation).<sup>14</sup> Accordingly, scepticism is the appropriate epistemic response (or justified belief) to evidence which is inherently indeterminate, conflicting, vague and influenced by one's subjective life experience.

Quong might come to Rawls's defence and point out that Rawls would not expect citizens to justify their belief in a stringent sense as long as their belief system exercises theoretical and practical reasoning in a more or less coherent and consistent manner (Quong 2010, 248-9). I argue, however, that even Rawls's minimal expectation of consistency cannot be met due to the impact of BoJ on citizens' judgement. This argument requires further exposition.

<sup>14</sup> In the epistemological literature, there is some discussion of epistemic permissiveness about subjects who appreciate that their beliefs are not *exclusively* supported by the evidence. According to epistemic permissiveness, in a given state of evidence with regard to p, it is epistemologically permissible for one to be confident that p, and for another to be confident that not p. Thus, subjects can hold that 'I am very confident that p, but it's also okay, given the evidence, to be somewhat less confident that p' (Enoch 2015, 12). First, this idea of epistemic permissiveness is very controversial. But even if epistemic permissiveness in general makes sense, it still does not help with the insurmountability of BoJ. In the case of epistemic permissiveness, the subjects appreciate that their evidence does not *exclusively* support their beliefs. This suggests that they have some reliable evidence but it is not exclusive. By accepting the idea of the insurmountability of BoJ, however, subject affirms that all the evidence is subject to limitations and therefore there is no decisive, clear or non-arbitrary reasons. I maintain that so long as subjects themselves believe that they have some reasons for their judgment their confidence might be justified and rational or epistemologically permissible. However, if subjects believe that all the reasons (even reasons for their own beliefs) are subject to insurmountable limitations, their confidence is at odd with their acknowledgement of the limitations of human reason. Therefore, their certainty is unjustified and cannot be epistemologically permissible.

Consider the following analogy: there is a figure drawn on the floor and three observers A, B and C with approximately equal powers of reasoning and equal with respect to background information (they are epistemic peers). They start sharing all relevant evidence to determine what this figure is. Observer A describes the figure and holds with certainty that it is 6 while observer B, who stands on the opposite side of the figure, provides his line of reasoning and concludes that it is 9. On the other hand, observer C (representing the BoJ) stands between the two observers and suggests that the figure is vague, complex and conflicting. C thinks that the conclusions about this figure depend on one's own perspective (the relative weight that different considerations carry) or one's subjective life experience. Based on the reasons observer C provides, basic rationality requires C to opt for agnosticism about the correct judgment for this figure (or at least hold a judgment that it is a 6 or a 9 with doubt and hesitation). Rawls, however, thinks that A and B should stand in C's position and appreciate that the figure is indeterminate, conflicting, vague and influenced by subjective life experience while also remain convinced about the correctness of their judgments 6 and 9. If, for instance, observer A was not to endorse the epistemic position C, Goldman could say that it is appropriate for observer A to be convinced about the correctness of her judgment because she experiences her evidence as direct observation and therefore her evidence has more justificatory force for her. However, when A stands in C's position, there is an obvious conflict between A's belief that the evidence for judgment 6 is indeterminate, and her confidence in the correctness of judgment 6. A holds an irrational epistemic position: *even though the evidence is uncertain A's judgment is certain*. Therefore, given the basic requirement of rationality, a subject's acceptance of the insurmountability of BoJ makes their certainty about the correctness of their judgement irrational and unjustified.

I now turn to challenge Rawls's claim that the BoJ allows *PL* to stay on the surface philosophically and it does not have to entail scepticism. It must be stressed that Rawls himself does not suggest that BoJ should invite citizens to doubt their capacity to know the correctness of their conception of the good. For Rawls, BoJ simply explains the practical impossibility of reaching a political agreement in judgment on the correctness of CDs, and so reasonable citizens can conclude that a constitutional regime does not need an agreement on a CD (Rawls 1993, 63). Quong shares Rawls's disclaimer and states that "...the burden of proof must lie with the proponents of the skeptical objection since it is they who claim that the burdens of judgments...should always cause people to doubt or be uncertain about their own beliefs." (Quong 2010, 254). Both the suggestions of Rawls and Quong are rather strange. For his account of reasonable disagreement, Rawls relies on controversial epistemological assumptions about the nature of human reasoning which includes the insurmountable limitations on the evidence, i.e. evidence is *vague, conflicting, indeterminate* (it depends on interpretation), *complex or influenced by our subjective life experiences*. One can reasonably challenge one of these epistemological assumptions. For instance, one can argue that the limitations on human reasoning are not as insurmountable as Rawls postulates or it is possible to overcome these limitations and justify our beliefs to each other.<sup>15</sup> Rawls however simply denies that this epistemological idea of insurmountability of BoJ would have any implications for the epistemological position of reasonable citizens viz., scepticism, or that it might lead to any controversial

<sup>15</sup> For instance, Chan discusses the way in which people agree on the value of many basic elements of conceptions of the good life, such as the importance of friendship, knowledge, integrity, courage etc. (see Chan 2000, 11). Or Fluxman argues that it is plausible for reasonable citizens with diverse beliefs to agree on a partial comprehensive doctrine namely, the value of autonomous choice (Fluxman 1998).

debate. On the other hand, I understand Quong to be saying that since Rawls himself provides a simple disclaimer, now the burdens of proof lie with the proponents of the sceptical objection. This raises the question: Since it is Rawls and the advocate of *PL* who rely on particular epistemological assumptions about human reasoning for their account of reasonable disagreement, don't they need to first prove that these epistemological assumptions do not need to be controversial nor do they have *any* epistemological implications? Above, I shoulder the burden that Quong addressed. I argue that the very idea of the insurmountability of BoJ is a particular epistemological assumption about the nature of human reasoning, evidence and judgment. Hence I show that this epistemological assumption leads to an epistemological implication such as the position of scepticism. Now, the burden lies with political liberals. They must show why the insurmountability of BoJ is a matter of common sense or an uncontroversial epistemological assumption about the nature of human reasoning, evidence and judgment, or why BoJ does not have to have any epistemological implications. This reveals that *PL* cannot stay on the surface philosophically without relinquishing the BoJ.

If political liberals were to concede this implication, would a little scepticism (as doubt) pose significant issues for *PL*? In fact, one might argue, scepticism could play a crucial role in motivating citizens to honour their epistemic restraint in politics. It may also be consistent with liberal impartiality. I now turn to articulate why scepticism cannot be an appropriate epistemic commitment for *PL*. In so doing, I will engage with Barry who advocates the requirement of scepticism for liberal political order. As I mentioned above, Barry provides three compelling reasons for the requirement of scepticism. The one I already discussed above is (i) that scepticism is an appropriate epistemic respond to reasonable disagreement. The other two are as follow:

(ii) Moderate scepticism (understood as doubt rather than denial) is required because unless citizens hold the correctness of their conception of the good provisionally or with some hesitation and doubt, they would not be motivated to abstain from imposing their moral truth on others.<sup>16</sup> Barry argues: ‘It is only when moderate scepticism is combined with a commitment to finding reasonable terms of agreement that it generates neutrality.’ (Barry 1995, 172).

(iii) Barry holds that secular or religious conceptions of human flourishing gives rise to incompatible practical implications, which cannot be resolved by rational argument. The inherent uncertainty of conceptions of human excellence (and their practical implications) precludes them from being the basis of agreement among those who are seeking terms of political justice that no one can reasonably reject (*ibid.*, 168-73). Thus, for Barry, liberal impartialism, i.e. staying neutral between different and conflicting conceptions of human flourishing, is therefore the only reasonable way of dealing with these inherently uncertain and irreconcilable conceptions of human flourishing. Furthermore, Barry assumes, scepticism is consistent with the liberal impartialism because there is a clear distinction between conceptions of human flourishing

<sup>16</sup> In response to argument (ii), Quong points out that in *PL*, citizen’s motivation to endorse the principles of epistemic restraint in politics does not have to come from citizen’s scepticism about the correctness of their conceptions of the good. Reasonable citizens’ motivation to honor their epistemic restraint rather comes from their willingness to satisfy the reciprocity principle. In democratic societies, Rawls believes, reasonable citizens are motivated to offer and abide by the principles that are acceptable to all reasonable citizens. This motivation is grounded in their belief that reasonable citizens of a democratic society would regard each other free and equal members of a fair system of cooperation. Thus, scepticism does not have to be the sources of motivation for reasonable citizens to honour their epistemic restraint in politics (see Quong 2010, 254-5).

and epistemological claims about the status of conceptions of what constitutes human flourishing.<sup>17</sup> Scepticism is a claim about the latter and, although it may be controversial, he argues, it nevertheless does not impose any particular conception of human flourishing hence scepticism is a reliable route to liberal impartialism (Barry 1995, 174).

Rawls's response to Barry's argument is that the scepticism requirement would put *PL* in opposition to the RCDs that are convinced about the correctness of their good and "thus defeat from the outset its aim of achieving an overlapping consensus." (Rawls 1993, 150). I share Rawls's concern that the scepticism requirement is subversive of *PL*'s aim of achieving a stable society for the right reasons, namely the reasons that citizens can view as their first-best option (grounded in their religious and philosophical truth claims), rather than their second- best compromise (depend on the distribution of political power: *modus vivendi*). So, in order for a liberal political order to enjoy legitimacy and stability, it must be acceptable to all reasonable citizens

<sup>17</sup> In response to the (iii), Susan Mendus convincingly argues that there is no stable distinction between views of human flourishing and epistemological claims about the status of conceptions of what constitutes human flourishing. She maintains that being sceptical about our comprehensive beliefs changes the very character of our doctrines and our disagreements. Therefore, the conceptions of human flourishing that are believed with certainty and conviction are very different than those held with hesitation or doubt. Given that there is no stable distinction between the views of human flourishing and epistemological doctrines about the status of conceptions of human flourishing, the scepticism requirement conflicts with the aim of liberal impartialism. In other words, Barry favors the conceptions of human flourishing that are sceptical in character and therefore, his scepticism requirement undermines the liberal impartialism and the permanence of doctrinal pluralism. Mendus concludes that Barry's solution to the problem of pluralism -namely irreconcilability of disputes regarding human flourishing- essentially requires removing the kind of pluralism to which *PL* is meant to be a solution. (Mendus 2002, 18-25).

including the ones who are convinced about the correctness of their RCDs. Also, I would like to point out that sceptical citizen's support to the stability of society from within their religious and philosophical truth claims would be futile. As discussed in section II.3 with the account of an OC, Rawls seeks to achieve a stable society that can receive support from religious and philosophical truth claims. If however FPCJ and its fundamental ideas is only be appealing to sceptical citizens, needless to say, their religious and philosophical reasons that support the FPCJ cannot assure the stability of society in the desired way. For instance, if I value the freedom and equality of individuals on the basis of the premise that God creates us free and equal, the strength of my support for the value of freedom and equality would be related to how certain I am about my religious truth claims. Accordingly, if I were sceptical about my truth claims, I would also be sceptical about the significance of treating individuals as free and equals. Thus, should various religious and philosophical truth claims support the stability of society, the only way that their support can be meaningful is that those religious and philosophical reasons are held with conviction. The point here is not to exclude scepticism from a possible OC. Sceptics may deny the very existence of moral truths (on the basis of their own convictions and comprehensive reasons) and therefore they might uphold Rawls's principles of justice as the most reasonable ones. If however citizens are expected to affirm Rawls's principles of justice on basis of their religious and philosophical grounds, and if their religious and philosophical grounds are expected to be doubted, then the support for the principles of justice that are derived from those doubted grounds would be meaningless.

## IV

### **BoJ is superfluous**

Sections II.1 and II.2 presented the moral and epistemic components of reasonableness in Rawls's account. Rawls believes that both of these components are vital to arrive at the principles of epistemic restraint in politics and a form of toleration (Rawls 1993, 59). In this section, I seek to challenge Rawls's assumption about the indispensability of BoJ by presenting four lines of reasoning:

(i) BoJ is insufficient to motivate perfectionists to honor their epistemic restraint in politics.

(ii) Motivation to epistemic restraint comes from the moral component of reasonableness.

(iii) The justifiable and unjustifiable reasons can be articulated by moral component.

(iv) Perfectionists are unreasonable for undermining the moral component.

Nussbaum and Wenar have also addressed the superfluous aspect of BoJ. Nussbaum holds that it is possible to arrive at an agreement on the exclusion of CDs by accepting the value of treating people as free and equal (Nussbaum 2011, 33). Similarly, Wenar points out that the moral component of reasonableness requires acting only from publicly shared reasons, so therefore BoJ is redundant to the project of excluding the goods from politics (Wenar 1995, 41). Both thinkers, to a certain extent, support my second line of reasoning while staying silent on the issues that arguments (iii) and (iv) deal with. Consequently, their accounts are

subject to some compelling objections such as that, without the idea of BoJ, *PL* falls short of explaining what is unjustifiable to others, and how we can challenge perfectionist conclusions. Since these objections are not addressed, the BoJ appears essential for *PL*. Arguments (iii) and (iv) aim to overcome these objections and argument (i) adds a more compelling reason to the superfluous aspect of BoJ. In so doing, it emphasises the failure of BoJ to motivate citizens to honor the standards of epistemic restraint rather than just underlining the sufficiency of moral component of reasonableness (as Wenar and Nussbaum do). Thus, this line of reasoning demonstrates that *PL* can relinquish BoJ and shows why reasonable citizens should honor epistemic restraint in politics as well as what can be unjustifiable to reasonable citizens in moral terms.

#### **IV.1 BoJ is insufficient to motivate perfectionists to honor their epistemic restraint**

Scepticism, as I discussed at length above, is not an appropriate epistemic commitment for *PL*. Rawls thinks that his account of BoJ does not entail scepticism but rather that it makes all reasonable citizens accept the following view:

L: Our conception of good is the correct one and others are *wrong*; however given the BoJ, it is at least reasonable for others to hold different views. Since it is reasonable to hold different views, it would be unreasonable for us to impose our moral views on others (Rawls 1993, 150).

I argue for the implausibility of citizens' certainty while accepting the insurmountability of BoJ in section III. However, in order to demonstrate the superfluous aspect of BoJ, let's set aside

my disagreement and suppose that citizens can remain convinced. For Rawls, without the BoJ, *PL* cannot account for why perfectionists or rationalist believers should agree on the exclusion of matters of the good from politics because the moral component of reasonableness does not explain why citizens cannot reasonably share the reasons derived from conceptions of human flourishing. For instance, a rationalist believer might hold that she has good reasons to support her comprehensive view and if she is convinced that those reasons are available to others, she could then claim, others – who refuse to accept her conception of the good – are irrational.<sup>18</sup> In this situation, there would be no reason for a rationality believer to seek an agreement and no motivation to refrain from imposing her ‘*correct*’ moral view on others. Reasonable citizens must recognise that even ideal reasoning, i.e. reasoning among *sincere and rational* people in free societies, cannot lead to an agreement on the superiority of one comprehensive view because BoJ makes even good reasons unavailable to others. Rawls posits that reasonable citizens who acknowledge the existence of BoJ would be motivated to honour the standards of epistemic restraint and offer other sincere and rational citizens publicly shareable reasons. However, given view L, Rawls also thinks that reasonable citizens can remain certain that they hold the *correct* conception of the good and other sincere and rational citizens with different views are still *wrong*. This prompts the question ‘why would citizens give priority to the limits of human reasoning over their commitment to a true moral argument?’ Although BoJ may elucidate why others who disagree with the *correct* conception of the good might be sincere and rational, it nevertheless does not account for why their being sincere and rational must be weightier than one’s commitment to a true moral belief. The idea of BoJ,

<sup>18</sup> Rawls 1993, 153. This is related to Cohen’s rationalist fundamentalist account (Cohen 1993, 280-1).

after all, is a descriptive claim about why citizens cannot share the same religious and philosophical conception of human flourishing, rather than a normative one that justifies why it is morally permissible for citizens to hold *their wrong views*.<sup>19</sup> It shows that sincere and rational people can believe in *what is false*. However, its normative implication of being tolerant to wrong (or even offensive and immoral beliefs from each other's point of view) cannot, by default, follow. This form of toleration seems to be rather presupposed in *PL*.

It is implicitly expected that convinced perfectionists who accept the BoJ will arrive at a form of toleration that requires them to attach less value to their commitment to a true moral argument than the weight they assign to the limitations of human reasoning. Also, they are expected to exercise forbearance when the diversity itself gives rise to forms of offenses such as disapproval, abhorrence and disgust. I argue that BoJ as a descriptive claim is not the source of motivation for citizens to uphold this form of toleration. If a person is certain that her or his view is the correct one and others are wrong, immoral, offensive, why is another person's inability to share the correct view weightier than the first person's own commitment to the correct view? Neither the sincerity and rationality of citizens nor the limitations of human reasoning explain why citizens must attach less value to their commitment to a true moral argument and why they should be forbear offending conceptions of the good. In order for convinced perfectionists to honor their epistemic restraint they must already be motivated to (i) assign greater weight to the justifiability of principles to others over their commitment to the correct view, and (ii) be tolerant of wrong views. Only then can (iii) the acknowledgement of the BoJ – since the BoJ makes our 'correct' reasons grounded in our correct

<sup>19</sup> Beckman 2002, 225.

CDs unavailable to others- lead to the exclusion of those correct CDs from political realm. So the argument that it is the acknowledgement of the BoJ that motivates a convinced perfectionist to offer shared reasons is unsupported. Since (i) and (ii) must precede the acknowledgment of the BoJ, a convinced perfectionist's motivation to honor her or his epistemic restraint in politics must precede her or his acknowledgement of the BoJ. Below, I argue that citizens' motivation to offer each other justifiable reasons comes from the moral component of reasonableness, i.e. their commitment to the reciprocity principle and the freedom and equality of citizens. If this moral motivation has already been attributed to the political reasonableness (independent of their acknowledgment of the BoJ) then, I will demonstrate, citizens do not have to accept the BoJ in order to agree upon the principles of epistemic restraint in politics.

#### **IV.2 Motivation to epistemic restraint comes from the moral component**

In *PL*, Rawls attempts to derive a certain form of toleration from recognition of the BoJ. This form of toleration requires each citizen to assign greater weight to the other citizens' attachment to their wrong beliefs than the weight she or he assigns to their disapproval of them (or their commitment to a true moral argument). It must be the case that even if reasonable citizens have the ability to suppress or censure the wrong and offensive beliefs of others, they must refrain from doing so<sup>20</sup> because this form of toleration is not a mere *modus vivendi* but rather a political virtue. It is however doubtful that this form of moral toleration can be the

<sup>20</sup> Horton 1996, 29.

consequence of citizens' mere recognition of the BoJ. As Robert Paul Churchill remarks:

If Rawls believes that moral toleration results merely from our cognizance of the burdens of judgment, then this may be because he has already assumed moral toleration as part of an account to be given of what we recognize, and comprehend. If we do recognise, or comprehend, that the different views of others are reasonable comprehensive doctrines and therefore that others are worthy of respect *because they hold these doctrines as reasonable persons*, is not this because we are already capable of moral toleration? (Churchill 2003, 74).

Churchill points out that insofar as moral toleration is presupposed in the argument, it is obviously not derived from the acknowledgment of the BoJ. Churchill further argues that this sort of moral motivation cannot be a political virtue but has to be grounded in the full conception of autonomy or comprehensive liberalism (*ibid.*). Although I share Churchill's view that this form of moral toleration cannot be the mere consequence of recognizing the BoJ, I do not agree that it can only be derived from Kantian account of autonomy or any other comprehensive liberalism. I argue that this form of toleration results from citizens' commitment to some fundamental political virtues or ideas articulated in the moral component of reasonableness.

The concept of the reasonable is a distinct and fundamental element of the idea of society as a system of fair cooperation among free and equal citizens (Rawls 1993, 49-51).<sup>21</sup> Or, to put it

<sup>21</sup> It must be stressed that the reasonableness of citizens is first and foremost contingent upon their accepting the idea of society as a fair system of cooperation among free and equal citizens. Reasonable citizens should not only

differently, the political reasonableness is primarily predicated on the tradition of the democratic idea that citizens are free and equal members of a fair system of cooperation. The freedom and equality of citizens is premised on the assertion that they have developed the two moral powers, “a capacity for a sense of justice” and “a capacity for a conception of the good.” (Rawls 1993, 18). A capacity for sense of justice assumes that all citizens of a well-ordered society acquire a sense of justice that moves them to support just institutions (Weithman 2011, 309). It entails a desire or willingness to act from publicly shared reasons (Rawls 1993, 19) and it is informed by political virtues and principles that are implicitly shared in a democratic political culture. On the other hand, a capacity for a conception of the good means that citizens are “free and equal to form, revise and pursue a conception of their good” (*ibid.*). This conception of freedom and equality informs citizens’ sense of justice, and therefore citizens are expected to have a desire to act from this conception. Rawls explains the capacity for a conception of the good as follows:

[W]e say that citizens are regarded as free persons in two respects. First, citizens are free in that they conceive of themselves and one another as having the moral power to have a conception of the good... A second respect in which citizens view themselves as free is that they regard themselves as self-authenticating sources of valid claims. That is, they regard themselves as being entitled to make claims on their institutions so as to advance their conceptions of the good. (Rawls 2001, 23).

Another moral motivation Rawls attributes to free and equal citizen is their recognition of the fair value of the political liberties.

recognise this idea but also be able to support it from within their CDs (Rawls, 1993, 47-8). The latter point is discussed, in relation to the depth of OC in Section II.3, footnote 5.

The fair value of the political liberties ensures that similarly motivated citizens have roughly an equal chance of influencing the government's policy (*ibid.*, 46). Moreover, the basic rights and liberties also protect and secure the space required for the exercise and the realization of the two moral powers (*ibid.*, 45). Accordingly, all reasonable citizens must pursue the liberties that provide the political and social conditions essential for the adequate development and full exercise of the two moral powers (*ibid.*). The fair value of political liberties enables citizens to maintain their free and equal status as specified by the two moral powers.

The conception of freedom and equality, - i.e. freedom to form, revise and pursue a conception of their good – does not have to be grounded on any comprehensive foundations like Kantian autonomy. Rawls assumes that reasonable citizens would have the capacity to recognize themselves and others as free and equals despite their affirmation of various moral, religious, and philosophical doctrines because it is “within the tradition of democratic thought” (Rawls 1993, 18). Citizens do not have to give any independent weight to this conception of freedom and equality that informs their sense of justice. In *PL*, Rawls rather assumes that citizens' sense of justice, which is informed by this conception of freedom and equality, can belong to their different CDs. Here, one may assume that the reason for reasonable citizens to be tolerant enough to regard others as free and equal to form, revise and pursue their conception of the good is because they accept the BoJ; therefore they recognize that citizens are free to reasonably affirm various reasonable doctrines. I, however, have shown in Section IV.1 that this form of toleration cannot be the mere consequence of the acknowledgment of the BoJ. This conception of freedom and equality is part of the particular political conception of the person namely, *reasonable* citizens who view the political society as a fair system of social cooperation among free and equals. Since reasonable citizens must view their society as a

fair system of social cooperation among free and equal persons, they are expected to have the moral motivation to cooperate with others on the basis of the reciprocity principle i.e. on terms that others can share (*ibid.*, 49-59). Accordingly, both the toleration for the freedom and equality to hold even wrong views and the moral motivation to act from shared reasons precede the acknowledgement of the BoJ.<sup>22</sup> These are the parts of an account of what reasonable citizens can and should recognize. Freeman represents the political conception of the person whom the freedom and equality is attributed as follows:

This conception of the person is now said to be implicit in our awareness of ourselves, not as moral agents [not naturally moral agents] and in whatever we do, but in the more circumscribed role we occupy as democratic citizens. In thinking about ourselves politically, we regard ourselves as free and equal citizens; as such, we rationally should have a higher-order interest in developing the capacities or ‘moral powers’ that enable us to engage in social cooperation (Freeman 2007, 18).

Given the moral powers attributed to reasonable citizens, they are expected to recognize or respect each other’s freedom and equality to choose a conception of human flourishing. Truly

<sup>22</sup> This is also acknowledged by Quong. Quong points out that the motivation to endorse the principles of epistemic restraint comes from reasonable citizens’ willingness to satisfy the reciprocity principle (see Quong 2010, 254-5). I argue that in order for BoJ to play any part in the principles of epistemic restraint, citizens must assign greater weight to the justifiability of principles over their commitment to their correct view. When they realise others cannot agree with them because of the BoJ, only then would they honor their epistemic restraint because they must have already been committed to offer others only justifiable reasons. This shows that reasonableness is fundamentally contingent upon having the motivation to offer reasons that are justifiable to others, and this is independent of their acknowledgment of the BoJ, not because of it.

respecting other's freedom to realise their moral powers, in Freeman's terms,

... involves allowing them to non-coercively decide their values and (within limits of justice) act on their chosen ways of life. This moral requirement implies a duty to allow others to make their own mistakes of judgment and action, and, within limits of justice, act on their false beliefs as well (Freeman 2004, 2042).

Similarly, Larmore points out that treating people with 'equal respect' is supposed to entail treating their ideas with respect even if we privately find them extremely silly (Larmore 1987, 64). Moreover, reasonable citizens are expected to recognise that political power is always a *coercive* power (Rawls 1993, 136). Given that citizens must be free to form, revise and to pursue a conception of their good in a pluralist society, this implies that political power should not be used to coerce citizens to accept certain moral truth claims but rather it should be used to provide the political and social conditions essential for protecting citizens' freedom and equality. I maintain that, so long as reasonable citizens recognise each other's freedom to form, revise and pursue a conception of the good and acknowledge the coercive aspect of political power, they would come to recognise that the use of coercive power on the basis of a certain conception of the good would undermine the value of treating each other's as free persons. Moreover, given the fair value of political liberties, reasonable citizens must recognize that every citizen has *the same right* to influence government policy to advance their conception of the good. Accordingly, favoring or promoting any one CD undermines other citizens' equal status. Thus, the moral component explains why reasonable citizens can be motivated to uphold the form of toleration that requires them to abstain from imposing their

conceptions of the good by the coercive use of state power because:

- The fundamental moral power attributed to reasonable persons is to respect each other's freedom and equality to decide non-coercively a conception of the good and to act on their chosen ways of life.
- Promoting conceptions of the good by the use of coercive state power undermines the fair value of political liberties that are essential to maintain citizens' free and equal status as specified by the two moral powers.

#### **IV.3 The justifiable and unjustifiable reasons can be articulated by moral component of reasonableness**

In democratic societies, political power is legitimate only when it is exercised in accordance with the principles and ideas that all citizens can reasonably be expected to endorse. The moral component of reasonableness includes some basic principles and ideas that all citizens can reasonably share. One of these basic assumptions is that reasonable citizens must be prepared to offer each other the fair terms of cooperation. The fair terms of cooperation 'set out as principles, specify the reasons we are to share and publicly recognize before one another as grounding our social relations' (Rawls 1993, 53). This has also been framed by one of the two moral powers attributed to reasonable citizens namely, 'a capacity for a sense of justice'. A sense of justice entails a desire or willingness "to act in relation to others on terms that they also can publicly endorse" (*ibid.*, 19). Accordingly, reasonable citizens who have equal capacity for a sense of justice are required to act from publicly recognized reasons and these publicly recognized reasons are assumed to be implicit and shared in a democratic political culture. It must be highlighted that the idea of

society as a fair system of cooperation among free and equals, Rawls assumes, is one of the implicit and shared ideas in the public political culture of a democratic society. It must also be noted that the BoJ plays no role in specifying the reasons which are justifiable to all citizens in a democratic political culture. It only accounts for unjustifiable reasons namely, conceptions of the good. It is the moral component that defines the reasonableness as a preparedness to offer only public reasons, and again, it is only the moral component that sets out public reasons as the implicitly shared idea of society as a fair system of cooperation among free and equals.

Here, an advocate of BoJ might point out that although the moral component can specify what the fair terms are or what is justifiable to others, it nevertheless does not explain why the conceptions of the good cannot be justifiable to all citizens. Therefore, in order to exclude the good from politics, we need BoJ to justify the move from disputable to publicly accessible reasons. It is true that BoJ, in epistemic terms, explains why citizens cannot all share one conception of the good, however, the unjustifiable reasons do not have to come in the form of *an* epistemological argument. Although the moral component does not explain, in epistemic terms, why all cannot share one comprehensive doctrine, it nevertheless accounts for why all citizens do not have to share one conception of human flourishing. The moral component therefore explains unjustifiable reasons in relation to the moral ideas, and not in epistemic terms. To be explicit, the moral component already includes the value of respecting citizen's freedom and equality to non-coercively develop and pursue a conception of the good. Citizens who conceive themselves and others as free and equal would appreciate that, should coercive political power be used on the basis of a certain conception of human flourishing, citizens would have no option but act from it. This then explains why it would be unacceptable for conceptions

of the good to inform the use of *coercive* state power for reasonable citizens who would like to be free to act from their chosen conceptions of human flourishing rather than being coerced to act from a certain conception of human flourishing which they may reject. Thus, the moral component is sufficient to set out both justifiable and unjustifiable terms of social cooperation as follows:

- *Justifiable terms*: reasonableness is a willingness to act from the publicly recognized idea of society as a fair system of cooperation among free and equal persons
- *Unjustifiable terms*: given reasonable citizens' willingness to respect each other's freedom and equality to form, revise and pursue a conception of their good, it would be unacceptable for free and equal citizens to base the use of coercive power on a particular conception of human flourishing.

#### **IV.4 Perfectionists are unreasonable for undermining the moral component of reasonableness**

It must be highlighted that reasonable is not derived from rational; it is a distinct and fundamental element of the idea of the society as a system of fair cooperation among free and equal citizens (*ibid.*, 49-51). Given that the moral component already requires citizens to be motivated to act from publicly shared reasons and acknowledge the wrongness of imposing one conception of the good by the use of state power, it then becomes irrelevant whether rationalist believers or perfectionists have good reasons that are available to others. This is because offering publicly shared reasons to one another is the reasonable thing to do even when this means some sacrifice to one's rational interests. To put it differently, since reasonableness is defined in terms of a willingness to acknowledge the wrongness of imposing CDs by the

use of coercive power and a desire to offer one another reasons that are fair (namely, publicly recognized reasons), perfectionists should be considered unreasonable by virtue of their lack of desire or motivation to offer publicly shared reasons and their motivation to coerce citizens to act from certain conceptions of the good. Therefore, *PL* does not need to invoke an additional epistemic argument to convince unreasonable views.

### **Conclusion**

This paper demonstrated two major problems in Rawls account of the BoJ: (i) BoJ entails scepticism because citizens' recognition of the BoJ makes it implausible for them to be rationally certain about their conceptions of the good. It argues that scepticism is not an appropriate epistemic commitment for *PL* as it defeats the purposes of FPCJ and an OC. (ii) The BoJ, as a descriptive claim itself, cannot explain why citizens should uphold a form of toleration that requires them to honor the standards of epistemic restraint in politics. The paper argues that this form of toleration can be derived from the moral powers and virtues that are articulated in the moral component of reasonableness. It then demonstrated that, given that this form of toleration results from citizens' commitment to political ideals and virtues in the moral component of reasonableness – i.e. freedom, equality and a willingness to offer publicly shared reasons – the moral component alone is sufficient for reasonable citizens to accept the fairness of principles of epistemic restraint in politics. Thus, the reasonableness of citizens should not be contingent upon their uncertainty about the correctness of their religious or philosophical reasons, but rather it must be dependent on citizens' acknowledgment of each other's freedom and equality, and the fairness of principles of epistemic restraint in politics.

This modification has some implications for *PL*. One implication is that it resolves the conflict between the acknowledgment of the BoJ, which entails scepticism, and the need for deeper philosophical, moral or religious reasons about which citizens can be certain- for the FPCJ. Moreover, it ensures the stability of society for the right reasons by staying silent on the meta-ethical status of political principles. Finally, it makes the concept of the reasonable much wider as it includes citizens who accept or deny the existence of the BoJ.

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