

SPECIAL ISSUE ARTICLE

Political activism, egalitarian justice, and public reason

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Email: blain.neufeld@gmail.com**KEYWORDS**: justice, justice as fairness, political activism, political liberalism, reasonable pluralism

1 | INTRODUCTION

One of David Enoch's claims in "Against Public Reason" (2015) is that public reason theorists separate too severely the aims of political philosophy from those of political activism.¹ Enoch contends that public reason theorists are concerned primarily with determining the bounds and terms of "acceptable" political debate, that is, the kinds of reasons that political agents should employ when taking part in the political decision-making processes of their society. Such theorists, though, do not see the proper role of political philosophers as contributing substantively to, or participating in, politics, including helping to advance just causes or justice-promoting institutional reform. Hence, public reason theorists' "conception of the role of political philosophers divorces them from even the just struggles of political activists" (p. 114). This is a mistake, according to Enoch, as the roles of political philosophers and political activists "are in a way continuous" (p. 137).

In this article, I explain that Enoch's criticism misfires with respect to Rawlsian political liberalism.² After outlining the relevant elements of Rawlsian political liberalism in Section 2, Section 3 presents Enoch's criticism. My main reply to his criticism is advanced in Section 4: drawing upon the political conception of justice as fairness, I explain that political activism to advance this conception is fully compatible with citizens' commitment to public reason.

I then consider in Section 5 a recent argument by Kevin Vallier (2019) that, if successful, would refute my position. Because political liberalism acknowledges the existence of a family of reasonable political conceptions of justice, Vallier contends that the public reason theorist should *not* regard as legitimate the promotion or enactment of any substantive conception of justice. If one is a political liberal, that is, one cannot *also* be an advocate for a "thick" conception of justice, including justice as fairness.³ Vallier's *modus ponens*, then, is Enoch's *modus tollens*: both agree that political liberalism is incompatible with political activism, but whereas Enoch concludes that political liberalism therefore should be rejected, Vallier concludes that political activism should be rejected. Against Vallier, I deny that acknowledging the *legitimacy* of other reasonable political conceptions of justice requires anyone, including public reason

philosophers or legislators, to refrain from actively promoting or enacting the political conception that they take to be the best or most reasonable one, including justice as fairness.

In Section 6, I consider an objection to my position suggested by Enoch's description of *how* political activists often understand their own views. According to this objection, on some fundamental political issues at least, certain citizens may find it necessary to employ reasons drawn from their comprehensive doctrines. In response, I explain that even if this is the case for some citizens some of the time, this fact does not require abandoning the idea of public reason. It may be possible for such citizens to be "reasonable" (employ public reasons) with respect to *most* fundamental political questions. Given Enoch's own recognition of the desirability of mutually acceptable justifications with respect to matters of political justice, the gulf between Rawlsian political liberals and (many) comprehensive liberals perhaps ultimately is not that great.

Section 7 concludes that readers who agree with Enoch that one of the roles of political philosophy is to be supportive of political activism in the pursuit of justice, but who *also* think that fundamental political matters should be decided in a manner that is respectful of other citizens, should endorse public reason.

2 | RAWLSIAN POLITICAL LIBERALISM AND PUBLIC REASON

This section provides a brief overview of the elements of Rawlsian political liberalism relevant for my argument.

2.1 | The fact of reasonable pluralism

A central claim of political liberalism is that citizens living in societies that respect basic liberal rights, including liberty of conscience and freedom of association, invariably will subscribe to a range of philosophical, moral, and religious "comprehensive doctrines" (e.g., utilitarianism and Buddhism).⁴ Such doctrines apply to most or all aspects of persons' lives.⁵ Importantly, these doctrinal disagreements are not always the result of error, poor reasoning, or ignorance. The diversity that follows from the free exercise of human reason is the "fact of reasonable pluralism" (pp. 36f, 441).⁶ Reasonable pluralism can be eliminated only through the exercise of political oppression (p. 37).⁷

2.2 | The criterion of reciprocity and the liberal principle of legitimacy

The fact of reasonable pluralism is a concern for political liberalism because it poses a challenge for the realization of political relations of *reciprocity* among citizens. Rawls holds that political liberalism's "intrinsic (moral) political ideal" is the "criterion of reciprocity" (Rawls, 2005, p. xlv). The criterion of reciprocity underpins political liberalism's account of the legitimate exercise of political power: the "liberal principle of legitimacy." Rawls describes these ideas in the following passage:

[T]he idea of political legitimacy based on the criterion of reciprocity says: our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions [...] are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons. This criterion applies on two levels: one is to the constitutional structure itself, the other is to particular statutes and laws enacted in accordance with that structure. (Rawls, 2005, p. xlv; see also 137.)

Hence a proposal advanced by citizens for a constitutional amendment or law concerning distributive justice (e.g., a universal basic income) would satisfy the criterion of reciprocity and the liberal principle of legitimacy *if* it were justified by reasons that those citizens think are acceptable to others who adhere to different comprehensive doctrines (but who also are committed to the criterion of reciprocity).

2.3 | Reasonable political conceptions of justice

To accommodate the fact of reasonable pluralism while respecting citizens' equal standing, Rawls holds that society should be organized by a "political conception of justice."⁸ Such a conception satisfies the "basic structure restriction" and the "freestanding condition." According to the basic structure restriction, a political conception of justice applies directly only to society's "basic structure": its main political and economic institutions, understood as an overall system of cooperation encompassing all citizens. "Voluntary associations" like religious institutions may organize themselves internally in other ways (e.g., their governance need not be democratic) but they cannot violate the rights of citizens that are secured by the basic structure, including those of their members. A political conception of justice satisfies the freestanding condition by being formulated in terms of distinctly "political" ideas (concepts, principles, ideals, and values). Such political ideas do not presuppose the truth of any comprehensive doctrine. Instead, they are construed as implicit within the public political culture of democratic society: the conception of citizens as free and equal, and society as a fair system of cooperation. Hence a political conception of justice is *compatible* with the different comprehensive doctrines endorsed by citizens (Rawls, 2005, pp. 11–5, 374–6). (A "comprehensive" conception of justice, in contrast, is based upon a particular comprehensive doctrine, e.g., a version of utilitarianism, and/or applies directly to areas of life beyond the basic structure, e.g., within voluntary associations.)

A political conception of justice is "reasonable" in virtue of satisfying the criterion of reciprocity. Any such conception meets three conditions. First, it secures equally for all citizens a set of "basic liberties" adequate for free and equal citizenship in a democratic society. Among these liberties will be (inter alia) liberty of conscience, freedom of association, and the liberties necessary for equal political participation. Second, a reasonable political conception of justice assigns to the basic liberties a "special priority" vis-à-vis other political principles and values, such as efficiency or welfare. Finally, a reasonable political conception of justice guarantees for all citizens adequate resources (e.g., income and wealth) for them to effectively exercise their basic liberties over the course of their lives (Rawls, 2005, p. 450).⁹ Libertarian conceptions of justice that fail to satisfy the third feature, or classical utilitarian conceptions that fail to satisfy the second feature, violate the criterion of reciprocity and consequently are "unreasonable."¹⁰

Finally, reasonable political conceptions of justice include “guidelines of inquiry” (Rawls, 2005, pp. 224–5, 454). When deliberating about how best to realize within their basic structure the political conception of justice that they judge to be the most reasonable, citizens are to employ applicable rules concerning evidence, logic, and so forth, as well as the relevant methods and conclusions of the sciences.

2.4 | Citizens as reasonable and the first moral power

A core idea of political liberalism is that of citizens as capable of being *reasonable*. Reasonable citizens acknowledge the fact of reasonable pluralism and share a commitment to satisfying the criterion of reciprocity (Rawls, 2005, p. xlv, 16, 49–50, 54). To satisfy this criterion, citizens must aim to justify proposals concerning fundamental political questions in terms that other citizens—or at least those similarly committed to the criterion of reciprocity (see Lister, 2018)—find acceptable. The reasonableness of citizens expresses itself in what Rawls calls the first “moral power”: citizens’ capacity to form and act upon a “sense of justice” (Rawls, 2001, pp. 18–9, 196).

2.5 | Public reason

“Public reasoning” is the form of reasoning that Rawls maintains citizens should use when deciding fundamental political questions. The terms of public reason—particular “public reasons”—are provided by the family of reasonable political conceptions of justice endorsed by citizens. Decisions made via public reasoning satisfy the liberal principle of legitimacy. Public reason is part of a broader idea of “deliberative democracy” (p. 448), according to which political decisions are made by means of deliberation among free and equal citizens who share political power.¹¹

2.6 | The duty of civility, the public political forum, the proviso, and the background culture

When citizens use public reasons to decide fundamental political questions, they realize their “duty of civility” (Rawls, 2005, p. 444). This duty applies primarily to public officials within the “public political forum.” This forum is where national political issues are debated and authoritative decisions regarding them are made. It consists of three parts: “the discourse of judges in their decisions, especially of the judges of a supreme court; the discourse of government officials, especially chief executives and legislators; and [...] the discourse of candidates for public office” (p. 443). Other citizens, however, are not exempt from the duty of civility: they fulfill it by holding public officials to the idea of public reason when evaluating their performance within the public political forum, especially (though not exclusively) when voting (pp. 444–5).

Political debates need not employ public reasons alone. Reasons drawn from comprehensive doctrines can be introduced in the public political forum, so long as what Rawls calls “the proviso” is satisfied. The proviso is satisfied when “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” (Rawls, 2005, p. 462). For instance, a

utilitarian legislator could explain her support for a law permitting physician-assisted suicide on utilitarian grounds (e.g., such a law would maximize overall utility), so long as she *also* provided a justification in terms of public reasons (e.g., the law in question best respects citizens' equal freedom to control their lives). Moreover, political debates *outside* of the public political forum—discussions within civil society, what Rawls calls the “background culture”—need not use public reasons (pp. 442–3). Nonetheless, the duty of civility requires *sufficient* public reason justifications for all decisions concerning “constitutional essentials” and “matters of basic justice” (pp. 214–5, 227–30, 235).

2.7 | Constitutional essentials, matters of basic justice, and ordinary legislation

As just noted, the duty of civility applies to questions having to do with constitutional essentials and matters of basic justice. “Constitutional essentials” are of two kinds. First, they concern “the general structure of government and the political process: the powers of the legislature, executive, and the judiciary; [and] the scope of majority rule.” Second, they include the “equal basic rights and liberties of citizenship that legislative majorities are to respect” (p. 227).¹² “Matters of basic justice” are those covered by principles of distributive justice (and the laws based upon those principles), such as those concerning employment and wealth.¹³ In my discussion here, I adhere to Rawls's view of the scope of the duty of civility.¹⁴ Hence, references to “fundamental political questions” and the like should be understood as referring to constitutional essentials and matters of basic justice, not what can be termed “ordinary legislation.”

2.8 | Citizens as rational and the second moral power

Citizens also are characterized by political liberalism as capable of being *rational*. Citizens' rational nature includes what Rawls terms their “second moral power”: the capacity to form, revise, and pursue “conceptions of the good.” A conception of the good “is an ordered family of final ends and aims which specifies a person's conception of what is of value in human life or, alternatively, of what is regarded as a fully worthwhile life” (Rawls, 2001, p. 19). Such conceptions normally are embedded within and interpreted by means of citizens' comprehensive doctrines. Rational persons determine for themselves what kinds of lives have value, and they pursue or revise their life-plans in accordance with those determinations over time.

2.9 | Citizens' higher-order interests

Citizens' opportunities to exercise their two moral powers—their capacities for conceptions of justice and the good—over the course of their lives constitute their “higher-order interests” (Rawls, 2005, pp. 74–5, 106). These higher-order interests are *independent* of citizens' various comprehensive doctrines, and hence persist despite changes in those doctrines (e.g., religious conversions). Moreover, citizens' reasonable nature, their sense of justice, *constrains* their rational pursuit of their conceptions of the good. (See Rawls, 2001, pp. 6–7, 81–2, 191.)

This conception of citizens, Rawls stresses, “is meant as both normative and political, not metaphysical or psychological” (Rawls, 2001, p. 19). It is an ideal that most persons with

adequate education and resources are capable of realizing in their lives (at least well enough to be considered equal citizens). Reasonable political conceptions of justice are formulated with reference to this conception of citizens: acceptable principles of justice are those that citizens can support freely given their higher-order interests (their interests in being able to exercise the moral powers). This normative political conception of citizens, moreover, is freestanding in nature, and hence compatible with different comprehensive doctrines.

2.10 | Full political autonomy and different conclusions in public reasoning

When citizens are committed to satisfying the duty of civility, it is possible for them all to enjoy and exercise full political autonomy. Citizens' full political autonomy includes (what I term) (a) "institutional autonomy" and (b) "justificatory autonomy."¹⁵

Institutionally autonomous citizens possess the rights and resources that enable them to take part as (roughly) equal contributors to their society's main political decision-making processes. Citizens exercise institutional autonomy "by participating in society's public affairs and sharing in its collective self-determination over time" (Rawls, 2005, p. 78). Hence, the equal political liberties must be part of any reasonable political conception of justice.

Citizens enjoy justificatory autonomy when fundamental political decisions are made using reasons that they find acceptable in light of their higher-order interests (Rawls, 2005, p. 77). Public reasoning makes possible citizens' justificatory autonomy despite the fact of reasonable pluralism. But although public reasons are acceptable to all, citizens may reach different conclusions concerning political questions. It is to be expected that individuals will give different weights to different public reasons and interpret them in somewhat different ways. "[T]his is the normal case," Rawls observes, "unanimity of views is not to be expected" (p. 479). Even when they disagree over which political positions are the most reasonable, though, citizens possess justificatory autonomy insofar as the positions selected are supported by public reasons. This is because, as Paul Weithman explains, "[t]he fundamental terms of citizens' association are those they would give themselves on the basis of their own freedom and equality" (Weithman, 2017, p. 102). The three conditions that *all* reasonable political conceptions of justice satisfy comprise these "fundamental terms" of political association.

3 | PUBLIC REASON THEORISTS VERSUS POLITICAL ACTIVISTS?

Enoch's criticism of public reason draws upon his view of the proper relation between political philosophy and political activism. In many cases, he claims, "the good political philosopher and the political activist—at the very least, the activist who is fighting on the side of the right and the good—should be allies." This is because "the activist and the political philosopher are engaged in what is largely the same project" (Enoch, 2015, p. 137). This project, broadly speaking, is the pursuit of justice. Hence, one important role of political philosophers is to participate in—or at least, through philosophical reflection and argument, contribute to—political struggles for justice.¹⁶

Enoch contends that the problem with the way in which public reason theorists relate to political activity is that their commitment to the idea of public reason prevents them from

contributing substantively to, or participating in, politics, including struggles for justice. With respect to political disputes, Enoch asserts, “the public reason political philosopher insists that so long as it’s one about which reasonable citizens may differ, it’s one he—and political philosophy in general—has nothing to say” (p. 135). This is because public reason theorists are concerned with determining the bounds and terms of “acceptable” or “legitimate” political debate, that is, the kinds of reasons that political agents should employ when taking part in the political decision-making processes of their society (or when trying to influence those processes). Such theorists, though, do not see the proper role of political philosophers as contributing substantively to, or participating in, politics, including helping to advance just causes or justice-promoting institutional reform. So long as the participants to a political dispute are “reasonable” and employ public reasons, then the political philosopher has no role—the philosopher “transcends the political arena” (p. 134).¹⁷

Simply put, Enoch contends that a commitment to political liberalism and its idea of public reason conflicts with the project of advancing justice, a project that political philosophers *should* share with political activists. Because of this, Enoch concludes that political philosophers should reject the idea of public reason.

4 | POLITICAL ACTIVISM IN PURSUIT OF JUSTICE AS FAIRNESS

My main response to Enoch’s criticism is to point out that while Rawls did not engage in traditional political activism very much himself,¹⁸ he was hardly disengaged from questions concerning political *justice*. At least as influential as his account of political liberalism, if not more so, is his conception of “justice as fairness” (Rawls, 1999, 2001). On the question of *which* conception of justice citizens should endorse and pursue, Rawls was “in the arena,” so to speak, “fighting” (philosophically) for a particular substantive conception of justice.¹⁹

Justice as fairness consists of two principles, the first of which enjoys “lexical priority” over the second (Rawls 1999, pp. 132, 266–7, 2001, pp. 46–47). The first principle secures a set of basic liberties equally for all citizens:

Freedom of thought and liberty of conscience; political liberties (for example, the right to vote and to participate in politics) and freedom of association, as well as the rights and liberties specified by the liberty and integrity (physical and psychological) of the person; and finally, the rights and liberties covered by the rule of law (Rawls, 2001, p. 44).

Moreover, the “fair value” of the political liberties (but not the other basic liberties) must be secured for all citizens (Rawls, 2005, p. 327).

The second principle consists of two sub-principles (the first of which has lexical priority over the second): (a) the “fair equality of opportunity” principle, which constrains the ways in which unequal positions of authority, wealth, and income can be distributed in society (all citizens, *inter alia*, should be able to compete fairly for unequal social and economic positions, including having equal access to higher education and professional training), and (b) the “difference principle,” which concerns society’s overall distribution of income and wealth. More precisely, the difference principle covers “the social and economic inequalities attached to offices and positions” (Rawls, 2005, p. 6) and thus the distribution of “powers and

prerogatives” (2001, p. 58) as well as income and wealth. According to the difference principle, roughly, a social system that permits social and economic inequality is just *if* that system secures greater income and wealth (and powers and prerogatives) for the “least advantaged” citizens in society over time than any alternative system (in a manner compatible with respect for citizens’ equal basic liberties and fair equality of opportunity).²⁰

Recall from Section 2 that a reasonable conception of justice (a) secures for all citizens a set of basic liberties sufficient for equal democratic citizenship, (b) assigns to these liberties a special priority over other political principles and values, and (c) ensures that all citizens have adequate resources to effectively exercise the basic liberties over the course of their lives. Justice as fairness clearly satisfies these conditions. Indeed, “[j]ustice as fairness,” Rawls contends, is “the *most* reasonable conception because it *best* satisfies these conditions” (Rawls, 2005, p. xlvii [my emphasis]). It also is a political conception of justice: its principles are limited in their scope to the basic structure of society, and they draw upon the freestanding political ideas of citizens as free and equal members of society and of society as a fair system of social cooperation.

Since all existing liberal democratic societies fail to satisfy the principles of justice as fairness (albeit in different ways and to varying degrees), citizens committed to those principles need to engage in political activity to push their societies in a just direction. This will involve, among other things, communicating and explaining the principles of justice to other citizens, and defending those principles against objections,²¹ as well as formulating and promoting political proposals that are conducive to the realization of those principles. It also will involve supporting and voting for those political parties committed to pursuing policies and legislation that will move their societies closer to satisfying the principles of justice as fairness. Justice-oriented political activism, moreover, frequently will require protesting and opposing those political parties, movements, and lobby groups that advocate policies and laws that would exacerbate existing injustices or introduce new injustices into society’s basic structure.

The principles of justice as fairness are quite radical by the standards of most contemporary mainstream political parties. While many early readers of *A Theory of Justice* interpreted it as a defense of an egalitarian form of welfare-state capitalism,²² this was a mistake. In *Justice as Fairness: A Restatement*, Rawls clarifies that justice as fairness in fact *cannot* be realized by any form of welfare-state capitalism. Instead, he holds that a more egalitarian political-economic system—either a “property-owning democracy” or some form of “liberal socialism”—is necessary for the achievement of justice as fairness (see Rawls, 2001, Part IV). The past decade has seen much interesting work exploring these alternative political-economic systems.²³ While the “realistic utopia” of a post-capitalist society might not be achievable in the immediate future,²⁴ a conception of such a society can help orient citizens’ thinking about themselves and their society, including their collective future, and thereby inform and inspire citizens’ political endeavors.²⁵

How might justice as fairness inspire and guide political activism aimed at nearer term goals within contemporary liberal democratic societies? Reflecting upon the basic structures of their societies, citizens who endorse the principles of justice as fairness can identify and support reforms that would move their societies toward greater overall justice.

In the case of the United States,²⁶ citizens might conclude, with Rawls, that its basic structure manifests several features deeply incompatible with the principles of justice as fairness.²⁷ For instance, wealthy citizens have exercised, and increasingly exercise, highly disproportionate influence within the American political system. The “fair value” of the political liberties is not remotely secured for all citizens. Moreover, the grossly disproportionate political influence exercised by the wealthy has altered the basic structure of the United States in ways that have dramatically *increased* economic inequality over the past several decades.²⁸ Not only is this

growing inequality economically damaging to society overall,²⁹ but it has not improved the absolute incomes of the “least advantaged” within the United States during this period, that is, there has been no noteworthy “trickle-down” of economic benefit to the least advantaged.³⁰ And research on the intergenerational elasticity of citizens’ incomes indicates that the United States is “very immobile,” and thus falls far short of realizing anything like the principle of fair equality of opportunity.³¹

In response to these features of their society, citizens committed to justice as fairness clearly should propose and fight for changes to their basic structure. Such changes likely would include, *inter alia*, the public financing of election campaigns, reforms to the provision of basic education and the distribution of higher education (so that the distribution of education counteracts, rather than reinforces, existing class- and race-based inequalities³²), a guarantee of employment for all citizens, ensuring universal health care for citizens,³³ and limiting the total amount of wealth that citizens can inherit in order to counteract the intergenerational concentration of wealth within a small portion of the population.³⁴

With respect to the problem of inequality caused by inheritances, Rawls recommends that intergenerational bequeathments and gifts be taxed, so that individuals can acquire only limited amounts of wealth through such processes over the course of their lifetimes.³⁵ If such measures are not adopted, the extreme wealth inequality exacerbated by flows of inheritances will entrench a *de facto* aristocracy, wherein individuals’ life-prospects are determined largely by the economic class into which they are born.

It must be emphasized that when engaging in critical reflection and deliberation regarding citizens’ shared political practices and how to reform them—including appealing to principles of justice in recommending changes to the basic structure (like those mentioned above)—philosophers occupy *no* privileged position. “[T]here are no philosophical experts,” Rawls writes. “Heaven forbid!” (2005, p. 427). To claim otherwise would violate the ideal of equal citizenship. But this is not to say that philosophers cannot *contribute* to the public political culture of democratic society. “[C]itizens must, after all, have some ideas of right and justice in their thought and some basis for their reasoning,” Rawls observes, “And students of philosophy take part in formulating these ideas but *always as citizens among others*” (my italics). Political philosophers *qua* citizens should be free to propose changes to their basic structure by drawing upon justice as fairness.

Justice as fairness is a reasonable political conception of justice, and, as explained earlier, reasonable political conceptions of justice provide citizens with public reasons. Hence there is no conflict between, on the one hand, political activism by citizens that aims at changing the basic structure so that it comes closer to satisfying the principles of justice as fairness and, on the other hand, citizens’ compliance with the duty of civility. Whether trying to figure out what kinds of constitutional amendments and laws would be necessary for creating a property-owning democracy,³⁶ defending voting rights for all citizens in elections, or lobbying to revise inheritance laws to address growing wealth inequality, public reasons are available to citizens. Thus, citizens can be *both* political activists and public reasoners. They can fight “on the side of the right” while engaging in public reasoning.

5 | POLITICAL LIBERALISM VERSUS JUSTICE AS FAIRNESS?

Kevin Vallier (2019) argues that if one is committed to political liberalism, then, as a public reason theorist, one should *not* also be a political activist in the way described in the previous

section (i.e., one should not regard as legitimate the employment of the principles of justice as fairness to advocate for the enactment of political reforms). Political liberalism, according to Vallier, is incompatible with the realization a “thick” or “substantive” conception of egalitarian justice like justice as fairness (Vallier claims that his argument is internal to political liberalism; in advancing it, he does not draw upon the alternative convergence account of public justification that he defends elsewhere.). This section explains where Vallier’s argument goes wrong.

Political liberalism’s recognition of a range of reasonable political conceptions of justice is the starting point for Vallier’s argument. This “justice pluralism,” he claims, “should lead political liberals to resist imposing controversial thick conceptions of justice on citizens who reasonably reject them” (Vallier, 2019, p. 212).³⁷ By a “thick” conception of justice Vallier means one that, like justice as fairness, “contains a specific, detailed content and that is the subject of reasonable disagreement” (p. 229, n. 2). Political liberals instead should endorse *only* “a thin conception of justice that includes fundamental rights and constitutional rules” (p. 212). Simply put, insofar as one is a political liberal, one cannot *also* hold that it is legitimate for society to enact within the basic structure a thick conception of justice, including justice as fairness.³⁸ (Hence, as noted in my introductory comments, Vallier’s *modus ponens* is Enoch’s *modus tollens*: both agree that a commitment to political liberalism conflicts with political activism, but whereas Vallier takes this to be a reason to reject political activism, Enoch takes this to be a reason to reject political liberalism.)

Vallier poses the following dilemma for those political liberals who wish to endorse and advocate for the enactment of a thick conception of justice. “[T]he liberal set” of conceptions, he claims, is either “too wide or too narrow, depending on whether reasonable people can reject members of the liberal set” (Vallier, 2019, p. 215). The second horn of Vallier’s dilemma, that the set is too narrow, “is raised if we allow people to reject members of the liberal set” (p. 216). If reasonable citizens can reject (as unacceptable to them) members of the set of reasonable political conceptions of justice, then it is highly unlikely that *any* member—any substantive conception, including justice as fairness—will be acceptable to all. In light of this disagreement, reasonable citizens should opt for a thin conception of justice.

My criticism of Vallier’s argument focuses on its *first* horn, according to which the set of reasonable political conceptions of justice is too wide. A reasonable political conception of justice, recall, is one that satisfies the criterion of reciprocity. Vallier claims that some conceptions capable of satisfying the criterion of reciprocity will nonetheless be judged “unreasonable” by egalitarian political liberals. As an example, he mentions John Tomasi’s (2012a, 2012b) “free-market fairness” conception of justice (Vallier, 2019, pp. 215–6). In formulating and defending the principles of free-market fairness, Tomasi draws upon (inter alia) a conception of citizens’ higher-order interests that is very similar to Rawls’s. Unlike Rawls, though, Tomasi holds that this conception of citizens justifies the inclusion of certain “free market” rights (rights to own productive capital, freedom of contract, and the like), along with those mentioned by Rawls, as among the set of constitutional rights to be secured for all citizens (Tomasi, 2012b, pp. 65–7).³⁹ The inclusion of free market fairness among the set of reasonable political conceptions of justice is something that Vallier thinks egalitarian political liberals will deem beyond the pale. “Traditional egalitarian political liberals now have a problem,” he writes, “If free-market fairness is a reasonable liberal political conception, then a liberal democratic state that realizes free-market fairness is legitimate” (Vallier, 2019, p. 215). To avoid this unpalatable outcome, Vallier claims that egalitarian political liberals will instead endorse only a thin conception of justice.

The problem with the “dilemma” that Vallier constructs is that its first “horn” simply is the *political liberal position*. If free-market fairness is indeed a *reasonable* political conception of

justice, then it satisfies the criterion of reciprocity. Recall that to satisfy the criterion of reciprocity, a political conception of justice must meet three conditions: (i) it must secure equally for all citizens a set of basic liberties adequate for free and equal citizenship; (ii) it must assign to these liberties a special priority in relation to other political principles and values (e.g., efficiency); and (iii) it must guarantee for all citizens adequate resources (e.g., education and income) to effectively exercise the basic liberties over the course of their lives. If free-market fairness is a political conception that meets these three conditions, then it just is a reasonable conception, and therefore *satisfies* the liberal principle of legitimacy. Reasonable citizens will recognize it as such, and hence recognize the legitimacy of any decisions concerning constitutional essentials or matters of basic justice that draw upon the principles and ideas of free-market fairness. Of course, reasonable citizens who endorse justice as fairness will find many such decisions to be inadequately just or even unjust; but they will recognize them as *legitimate* nonetheless.⁴⁰

While reasonable citizens normally will find most plausible, and hence “endorse,” only one reasonable political conception of justice, they will judge *all* conceptions that satisfy the criterion of reciprocity—and hence satisfy the three conditions mentioned above—as “acceptable.” A citizen finds a political conception of justice “acceptable” insofar as she can appreciate the justification(s) for that conception and—because that conception satisfies the criterion of reciprocity, has a justification that is freestanding in nature, and contains principles that apply only to the basic structure—can abide freely by its institutional requirements should it be implemented democratically in her society’s basic structure. One reason for this is that all reasonable political conceptions of justice adequately secure all citizens’ higher-order interests (their interests in being able to exercise effectively their two moral powers, their capacities for conceptions of the good and justice) over the course of their lives. This is so even if that citizen would prefer a *different* conception of justice to be realized in her basic structure—that is, even if she regards an alternative political conception to be more reasonable or better justified, and consequently will advocate and press for that alternative in the future (e.g., by supporting the political party that is most closely aligned in its priorities to that conception). What is important for the liberal principle of legitimacy is that a political conception of justice be *acceptable* to reasonable citizens, in virtue of its satisfaction of the criterion of reciprocity, even to those citizens who do not *endorse* it.⁴¹

Contra Vallier, then, egalitarian political liberals face no dilemma. They can recognize the legitimacy of, and hence judge to be (perhaps only barely) acceptable, the free-market fairness political conception of justice⁴²—while still fighting democratically to realize the principles of justice as fairness in their society’s basic structure. Deliberative democracy involves (inter alia) citizens who endorse different reasonable political conceptions of justice debating with one another, through public reasoning, how to organize or reform their shared basic structure. Political activism is part of this process, and such activism is fully compatible with a commitment to public reason.⁴³

6 | UNAVOIDABLY “COMPREHENSIVE” COMMITMENTS AND DEGREES OF REASONABLENESS

I have explained that someone can be committed to the idea of public reason *and* be a politically engaged citizen committed to the realization of a particular conception of justice. Yet this explanation may not seem to address an important element of Enoch’s criticism. Enoch remarks that some citizens “fighting in the political arena for everything they think is good and just” might themselves be “committed to public reason, so that they’re really fighting only for what’s

reasonable.” But this is not the case for most citizens: “much more often, the rhetoric and also sincere beliefs of political actors and activists is that of comprehensive doctrines” (Enoch, 2015, p. 134). For Enoch, then, compliance with the duty of civility would prevent many political actors from drawing upon what they deem the most important reasons applicable to certain political questions, including those concerning justice.

In response to this claim, political liberals can point to public reason’s “proviso” (explained in Section 2) and note that simply because a claim is “reasonable” does not mean that citizens advancing it cannot also take it to be “true” (in light of their comprehensive doctrines). Nothing prevents political actors from providing *both* public reasons *and* reasons drawn from their comprehensive doctrines in support of political proposals concerning constitutional essentials and matters of basic justice. If I endorse, say, a right to liberty of conscience with reasons drawn from the political conception of justice as well as reasons drawn from my “religious doctrine and account of free faith” (Rawls, 2001, p. 191), so much the better.

However, this response can only go so far. Many citizens hold that their views concerning certain fundamental political matters *cannot* be formulated in terms of public reasons. That is, in certain “hard cases,” for example, questions concerning the permissibility of abortion or physician-assisted suicide, some citizens (arguably) cannot be expected to fulfill their duty of civility.⁴⁴ It is with respect to these kinds of citizens that the framework of public reason seems objectionably limiting.

The “justificatory constituency” of political liberalism—the citizens to whom public reasons are addressed—are reasonable citizens. Enoch correctly notes that “reasonableness” is a term of art in political liberalism, one that does not fully match its everyday non-philosophical meaning or use (2015, p. 121). As explained in Section 2, “reasonable citizens” are those members of political society who realize the duty of civility by using public reasons when justifying their decisions concerning fundamental political matters.

What about “unreasonable citizens,” those members of society who cannot decide (at least some) fundamental political questions through public reasoning? Political liberalism holds that unreasonable citizens are citizens nonetheless; hence, they (normally) are entitled to all the rights and benefits of full citizenship. This is so even though the exercise of political power vis-à-vis constitutional essentials and matters of basic justice need not be justified to them in terms that they themselves find acceptable.

It is important, though, to distinguish between different *kinds* of unreasonable citizens. Manifestly “unreasonable” persons in the everyday sense of the word—for example, Nazis (Enoch, 2015, p. 121), religious fundamentalists, and the like—are “unreasonable” in the technical political liberal sense as well. Such citizens are *illiberal* unreasonable citizens. They reject basic liberal democratic principles. These kinds of citizens reject the equality of other citizens, either those who reject their doctrine (e.g., religious fundamentalists) or those who belong to groups deemed “inferior” (e.g., white supremacists). Such views, and the citizens who hold them, can pose a threat to other citizens and the institutions of liberal democracy. When persuasive and educative measures fail to convince illiberal citizens to change their views, their continued adherence to and compliance with anti-liberal doctrines, regrettably, “gives us the practical task of containing them—like war or disease” (Rawls, 2005, p. 64, n. 19).⁴⁵

However, many people whom we might judge to be “reasonable” in the pre-theoretical, non-technical sense, are not “reasonable” in the political liberal sense. Such individuals include thinkers like John Stuart Mill, Jean Hampton, Joseph Raz, David Enoch, and (perhaps) the early (pre-political liberal) Rawls (Enoch, 2015, p. 122). Many such unreasonable citizens are “comprehensive liberals.” These citizens endorse comprehensive conceptions of justice,

conceptions that apply to matters beyond the basic structure of society or presuppose the truth of particular comprehensive doctrines (or both). But given their liberal commitments, they do not threaten basic liberal democratic institutions and practices. Although utilitarian, perfectionist, and other kinds of comprehensive liberals express civic *disrespect* for citizens who adhere to different comprehensive doctrines—as such comprehensive liberals do not recognize the duty of civility when helping to decide fundamental political matters—they do not threaten other citizens' basic liberal democratic rights.

Because of the fact of reasonable pluralism, political liberals hold that comprehensive liberals should be encouraged to become (more) “reasonable” in their interactions with others.⁴⁶ Pursuant to this goal, I propose that citizens' reasonableness be understood as a matter of degree.⁴⁷ So long as citizens are willing to provide public reason answers to *most* questions concerning constitutional essentials and matters of basic justice—along with, if they so choose, reasons drawn from their respective comprehensive doctrines—then those citizens should be understood as, on balance, reasonable in nature. More precisely, citizens who are willing to use public reasons to resolve issues *t*, *u*, *v*, *w*, *x*, and *y*—but not issue *z*—should nonetheless be considered on balance reasonable. With respect to issue *z*, though, the citizens in question are not interacting with others on the basis of civic respect, that is, they are failing to respect the free and equal status of those citizens who endorse different comprehensive doctrines. Because of this, with respect to issue *z* (but not the others), other reasonable citizens have no choice but to interact with the citizens in question as though they are “unreasonable.” What this involves is a recognition that no public reason resolution of issue *z* will be acceptable to the citizens in question. But this recognition does not affect *other* citizens' commitment to deciding that issue by means of public reasoning (see Lister, 2018).

Many of the core commitments of comprehensive liberals concerning constitutional essentials and matters of basic justice—such as the basic rights and liberties that they think should be secured equally for all citizens—*can* be expressed in terms of public reasons (i.e., in ways that satisfy the proviso).⁴⁸ Moreover, comprehensive liberals may have their own reasons for providing public reason justifications for their positions when participating within the public political forum of their society (or political activity more broadly).⁴⁹ Enoch observes that “a political arrangement is better to the extent that it manages to justify itself to the relevant constituency, to the extent that its justification is accessible to its subjects [...] given their deeply held beliefs, principles, reasons” (Enoch, 2015, p. 138). While this acknowledgement narrows the gap between political liberals and comprehensive liberals (at least those who share Enoch's view on this matter), it does not eliminate it altogether, as the availability of such justifications, according to Enoch, are merely “yet another political desideratum, yet another item on the list of significant factors counting in favour of a political arrangement” (p. 138). And it may of course be the case that not *all* the commitments that comprehensive liberals have with respect to constitutional essentials and matters of basic justice can be formulated in terms of public reasons.

Nonetheless, if comprehensive liberals can recognize the desirability, both practical and normative, of providing public reasons for their positions concerning most fundamental political subjects, then they should not be opposed to the idea of public reason *tout court* (even if they do not assign to the duty of civility the same priority that political liberals do). Political liberals should be willing to recognize such citizens as *on balance* reasonable interlocutors.

7 | CONCLUSION

I agree with Enoch that one of the roles of political philosophy is to contribute to, and be supportive of, political activism in the pursuit of justice. As a political liberal, though, I *also* hold

that philosophers, and citizens more generally, should do what they can to help decide fundamental political matters in a manner that is respectful of other citizens who adhere to different worldviews—that is, in compliance with the duty of civility. Contra Enoch and Vallier, there is *no* conflict between (a) a commitment to the idea of public reason and (b) advocating for, and promoting in one's political activities, a substantive conception of justice like justice as fairness. We can satisfy our duty of civility while also being politically active egalitarians.

I also think that political liberals should try to encourage other citizens to satisfy the duty of civility as much as possible, even if those citizens ultimately conclude that they cannot do so with respect to all fundamental political questions. If *most* questions are decided by means of public reasons, then at least citizens will be politically autonomous with respect to *those* constitutional essentials and matters of basic justice. As an ideal, political autonomy can be realized to varying degrees. We should try to realize it as much as possible in our political endeavors and relationships.

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CONFLICT OF INTEREST

No conflict of interest.

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ENDNOTES

- ¹ I do not address Enoch's other criticisms of public reason here. For some replies to them, see Lister (2018).
- ² In discussing political liberalism, I rely upon Rawls (2001, 2005). Enoch's other target is the "convergence" account of public justification (see Gaus, 2011; Gaus & Vallier, 2009). (I think that Enoch's criticism applies successfully to the convergence account but do not discuss it here.)
- ³ Or at least not a politically *effective* advocate (see n. 43).
- ⁴ Rawls sometimes makes use of the idea of "reasonable" comprehensive doctrines (e.g., Rawls, 2005, pp. 58–66). However, I agree with Wenar (1995) that this idea is not especially helpful for understanding political liberalism, as the important normative work within the theory is performed by the idea of "reasonable persons" (I explain the idea of "reasonable persons" later). (See also Kelly & McPherson, 2001.) For the purposes of my discussion here, then, I will assume that any comprehensive doctrine that is endorsed by reasonable persons is itself "reasonable."
- ⁵ These views may contain multiple variants: for example, the many denominations of Christianity. They also may combine in various ways: for example, atheists and theists can endorse versions of utilitarianism.
- ⁶ Rawls employs the idea of the "burdens of judgment" to help explain reasonable pluralism (Rawls, 2005, pp. 54–7).
- ⁷ "Unreasonable" pluralism—disagreements caused by poor reasoning, ignorance, etc.—also clearly exists. But while unreasonable pluralism may potentially be reduced, and ideally eliminated, through better education, public discussion, and so forth, political liberalism holds that reasonable pluralism is unavoidable within free societies.
- ⁸ Since reasonable citizens likely will endorse a *family* of reasonable political conceptions of justice, the basic structure (or different parts of it) may come to be shaped by different conceptions over time. (See [self-reference].) I leave this complication aside.

- ⁹ All reasonable conceptions also satisfy the “basic needs principle” (Rawls, 2001, pp. 47–8). (For discussion, see Neufeld, 2017a.)
- ¹⁰ They also may not be *political* conceptions by failing to satisfy the freestanding condition and/or the basic structure restriction.
- ¹¹ For a defense of political liberalism’s commitment to deliberative democracy, see Boettcher (2020).
- ¹² The “social minimum” secured by the basic needs principle also is a constitutional essential (Rawls, 2001, pp. 47–8).
- ¹³ Or more precisely, matters of distributive justice not covered by the basic needs principle or the basic liberties.
- ¹⁴ Some political liberals, for example, Jonathan Quong (2011), criticize the restricted scope that Rawls ascribes to the duty of civility. For defenses of it, see Neufeld (2022, pp. 59–60) and Watson and Hartley (2018, pp. 62–87).
- ¹⁵ Elsewhere I explain that there is a third element to full autonomy: *shared* autonomy (see [self-reference]).
- ¹⁶ Enoch notes that many questions investigated by political philosophers need not have any application to practical politics—they may simply be interesting philosophical questions (Enoch, 2015, pp. 124–6, 137). Nonetheless, at least *some* of the questions with which political philosophers should engage concern what justice requires. It is in this respect that their activity connects with that of political activists.
- ¹⁷ In addition to criticizing the public reason theorist’s understanding of the role of political philosophy, Enoch contends that this understanding is *disrespectful* to political actors (Enoch, 2015, pp. 137, 135). As will become clear in the next section, I do not think that public reason philosophers should adopt this perspective on political activism.
- ¹⁸ Perhaps Rawls’s most noteworthy engagement with activist politics was his proposal calling for the faculty of Harvard University to oppose the “2-S” system of student deferments from conscription during the Vietnam War. This proposal was motivated in part by his view that the draft exposed and exploited “structural” racial injustice within the United States. For discussion of Rawls’s efforts, see Terry (2021).
- ¹⁹ This is not to deny that Rawls *also* was concerned with clarifying the terms of responsible political deliberation and decision-making within democratic societies, independent of his commitment to justice as fairness. Political philosophy has many distinct but compatible roles (see n. 27 below).
- ²⁰ With respect to the difference principle, the “least advantaged” group does not refer to any *particular* citizens identified prior to or independent of any specified division of labor: “this group is defined [...] by an index of primary goods”; and “the particular individuals who belong to it [the “least advantaged” group] may change from one arrangement of the basic structure to another” (Rawls, 2001, p. 65).
- ²¹ My discussion in this article focuses on the perspective of citizens who *endorse* the conception of justice as fairness in reflective equilibrium. (On the role of “reflective equilibrium” in justifying political conceptions of justice, see Rawls, 2005, Lecture IX.) The question the paper tries to answer is whether such citizens, given their commitments to *both* justice as fairness and the idea of public reason, can be political activists in support of justice as fairness. Hence, I do not address the difficult question of how one might best convince *others* to endorse justice as fairness (i.e., how to move others to endorse justice as fairness in *their* reflective equilibria). (My thanks to David Reidy for recommending that I note this point.)
- ²² A notable exception is Krouse & McPherson, 1988.
- ²³ Recent discussions of the idea of property-owning democracy include: Freeman, 2018, Chapter 4; O’Neill & Williamson, 2012; Thomas, 2016. For a criticism of property-owning democracy as conflicting with Rawls’s principles of justice, see Sensat (2016, Chapter 7). For a defense of liberal socialism as best realizing justice as fairness, see Edmundson (2017). For a discussion of the institutional implications of justice as fairness that rejects Rawls’s architectonic of social systems, see O’Neill (Forthcoming).
- ²⁴ For Rawls’s explanation of “ideal theory,” including the idea of a “realistic utopia,” see Rawls (2001, pp. 4–5, 13).
- ²⁵ For a discussion of the roles of political philosophy, see Rawls (2001, pp. 1–5). Among these roles is philosophy’s potential “to orient us,” thereby helping to “contribute to how people think of their political and social institutions as a whole, and their basic aims and purposes as a society with a history” (2–3). Another

role is “political philosophy as realistically utopian: that is, as probing the limits of practical political possibility” (4; see also n. 24 above).

²⁶ Despite not being a citizen myself, I use the United States for this discussion because its political-economic system is familiar to most readers. Of course, many of the same problems (to varying degrees) afflict most other liberal democratic societies.

²⁷ This paragraph and the next draw upon [Neufeld, 2017b].

²⁸ See Hacker and Pierson (2010).

²⁹ On the economic harms of high levels of inequality in income and wealth, see Stiglitz (2012) and Galbraith (2014).

³⁰ The main reason for this, according to Lane Kenworthy (2010), has been government policy decisions.

³¹ Mitnik and Grusky (2015, p. 4).

³² Among such educational reforms would be those that promote racial integration (see Anderson, 2010).

³³ The proposals regarding campaign financing, employment, and health care are from Rawls (2005, pp. xlvi–xlvii).

³⁴ On this process, Thomas Piketty (2014) explains that the long-term tendency of capitalist societies is toward what he terms “patrimonial capitalism.” A patrimonial capitalist society, roughly, is one in which the members of that society’s economic elite enjoy their privileged position primarily as a consequence of inheritance, not innovation or entrepreneurship. Piketty’s research appears to support Rawls’s more speculative worries about the inherent tendency of capitalist societies toward growing inequality, decreasing political freedom for most citizens, and hence injustice.

³⁵ Rawls’s remarks are brief (Rawls, 2001, pp. 160–1), but a recent book by Daniel Halliday (2018) helpfully addresses this issue in depth in a broadly Rawlsian manner.

³⁶ With respect to the United States, see Williamson (2013).

³⁷ Political philosophers generally are not in positions to “impose” conceptions of justice on others. By “imposing” a conception of justice Vallier refers primarily the positions of legislators. Public reason theorists should regard the “imposition” of thick conceptions of justice by legislators as *illegitimate* (and legislators have a duty to refrain from doing so [see n. 45 below]). (Thanks to Vallier for clarification of this point.)

³⁸ One element of Vallier’s discussion *may* entail that his argument does not apply to *Rawlsian* political liberalism. Recall that Rawls holds that the duty of civility applies only to constitutional essentials and matters of basic justice. Since justice as fairness is a reasonable political conception of justice, it covers constitutional essentials and matters of basic justice, but not necessarily questions concerning ordinary legislation. However, Vallier assumes throughout his paper (following Quong, 2011) that *all* political questions should be decided via public reasoning. This assumption, he claims, “is important in vindicating the claim that imposing substantive conceptions of justice on those who reasonably reject them is illegitimate” (Vallier, 2019, p. 214). But if we follow Rawls and restrict the duty of civility to constitutional essentials and matters of basic justice—and the conception of justice as fairness is limited in its scope to such subjects—does Vallier’s argument still apply to justice as fairness? Vallier seems to think that he *needs* for the duty of civility to apply to all political questions for his argument to succeed. But if we adopt Rawls’s position regarding the scope of the duty of civility then Vallier’s argument (by his own lights) would appear to be a non-starter. Since it is unclear to me *why* Vallier thinks that his argument must presuppose a broad scope for public reason for it to apply to justice as fairness, I focus on a different problem with his view in the main text.

³⁹ For criticism of Tomasi’s argument, see Melenovsky and Bernstein (2015).

⁴⁰ The requirements of legitimacy are *weaker* than those of justice (Rawls, 2005, p. 428f).

⁴¹ Rawls writes: “Citizens will of course differ as to which conceptions of political justice they think most reasonable, but they will agree that all are reasonable, even if barely so” (Rawls, 2005, p. 446). On the distinction between the “acceptability” of a political conception of justice and the “endorsement” of it, see [self-reference].

⁴² The free-market fairness conception of justice differs from libertarianism by satisfying the third condition.

⁴³ It should be noted that Vallier thinks that *most* citizens should be free to advocate for whatever policies they like (and with whatever reasons they like)—*contra* Rawls, Vallier does not think that most citizens are subject

to (anything like) the duty of civility (see Vallier, 2014, p. 190f). However, *legislators* are subject to a duty to do what they can to ensure that the laws that they help pass are publicly justified (see Vallier, 2014, p. 191f; Vallier, 2015, p. 154f). It is the *enactment* of laws based upon a controversial thick conception of justice that Vallier thinks political liberals must judge to be politically illegitimate. Vallier has no objection to political activism in support of substantive conceptions of justice, so long as that activism is *ineffective* (in producing legislation). Against Vallier, I maintain that it is legitimate for legislators to enact laws that aim to realize substantive conceptions of justice, like justice as fairness—and hence citizens should be free to support such laws as well. (Thanks to Vallier for helpful discussion of this point.)

⁴⁴ I discuss such cases in [self-reference]. (On the possibility that there may be some fundamental political questions that cannot be resolved fully by public reasons by even reasonable citizens, see Reidy, 2020.)

⁴⁵ On how political liberals should address the problem of illiberal citizens, see Badano and Nuti (2018, 2021).

⁴⁶ For helpful discussion see Wong (2021).

⁴⁷ On this point Rawls writes: “a comprehensive doctrine can be unreasonable on one or several issues without being simply unreasonable” (Rawls, 2005, p. 479, n. 80). For reasons noted earlier (n. 4), I find it more helpful to focus on reasonable citizens than doctrines. This difference, though, does not affect the relevant point.

⁴⁸ A complication here is that reasonable political conceptions of justice are “complete,” that is, capable of providing answers (at least at a general level) to all or most fundamental political questions (see Rawls, 2005, pp. 454–5). I leave this complication aside for now, as I do not think that it affects my main point in this section. (My thanks to an anonymous referee for bringing this matter to my attention.)

⁴⁹ For such an argument, see Wendt (2019).

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