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## ***Liberalism Without Perfection: Replies to Lister, Kulenović, Zoffoli, Zelić, and Baccarini***

I would like to begin by thanking all the contributors to this symposium, especially Elvio Baccarini, who hosted the conference at the University of Rijeka where several of the papers in this symposium were initially presented. I've learned a great deal from these essays, and I'm very fortunate for my work to be the subject of such careful and perceptive philosophical attention. Below I offer some replies to each contributor, though I do not address all the important points raised in each paper.

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### **Reply to Lister**

In his wide-ranging and thoughtful essay, Andrew Lister focuses on the relationship between the critical and constructive portions of my book, *Liberalism Without Perfection* (hereafter LWP).<sup>1</sup> Lister defends two important claims. First, he contends, contra my suggestion in chapter 1 of LWP, that a coherent and plausible form of comprehensive antiperfectionism is possible. Second, he suggests that a modest form of perfectionism is perfectly compatible with a commitment to public reason or public justification (I will use these terms interchangeably here). I disagree with Lister on both points, and in this brief reply I will try and explain why. But before doing so, a small amount of terminological clarification will be useful.<sup>2</sup>

*Comprehensive liberals*, as I define them, are those who answer 'yes' to the following question: must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life, or other metaphysical beliefs? Comprehensive liberals believe there is a particular view of the good life, usually one that gives personal autonomy a central role, which grounds or justifies our liberal principles

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1 References in the main text are either to LWP, or else to the individual symposium contributions. All other references are provided in footnotes. For comments and useful discussions about the issues raised in this reply, I am very grateful to Elvio Baccarini, Rebecca Stone, and Nebojša Zelić.

2 The next paragraph is taken from my "*Liberalism Without Perfection: Replies to Gaus, Colburn, Chan, and Bocchiola*," *Philosophy & Public Issues* 2 (2012), 58-59.

and rights. Comprehensive liberals can be either *perfectionists* or *anti-perfectionists*, that is, they can answer either 'yes' or 'no' to the following further question: is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of other metaphysical claims? *Comprehensive perfectionists* answer yes: the state may permissibly aim to promote the good life and discouraging citizens from making disvaluable choices. *Comprehensive antiperfectionists*, by contrast, believe that there is a distinct view of the good life that grounds a form of liberalism in which the state is required to remain neutral between competing conceptions of the good life or human flourishing.

Lister modifies these terms somewhat, but I do not believe these modifications bear on the central areas of disagreement between us. Although chapters 2-4 of LWP are largely focused on developing reasons to reject perfectionism, in chapter 1 I offer a brief argument intended to illustrate the instability of comprehensive antiperfectionism. I present a debate between a proponent of comprehensive antiperfectionism, Sara, and Mike, who defends a perfectionist position. In the debate Mike favors criminalization of recreational drug use for perfectionist reasons, whereas Sara favors the legal permissibility of recreational drug use by appeal to the value of autonomy (LWP 23-26). I argue that while Sara may be able to ground a commitment to various liberal rights and freedoms in the value of leading an autonomous life, the value of autonomy cannot yield a consistent form of antiperfectionism. The reason for this is simple: when pushed by Mike to explain why recreational drug use ought to be legal, Sara must say one of two things. Either she must declare Mike's perfectionist view about the use of recreational drugs to be false, or else she must say that even if Mike's claims about the disvalue of drug use are true, they are decisively outweighed by the value of leading an autonomous life. But either response entails that Sara's position is no less perfectionist than Mike's. She must appeal to controversial and reasonably rejectable views about the good life in order to justify her position. As Lister notes, I do not claim to show that all versions of comprehensive antiperfectionism are vulnerable to this sort of objection. However, I suspect the example is indicative of a general instability that all such views face.

Lister disagrees. As I understand his argument, he claims that my objection only succeeds against *consequentialist* forms of comprehensive antiperfectionism, but that it does not succeed against a *deontological*

version of the view.<sup>3</sup> According to Lister, “this kind of comprehensive liberalism denies that it is ever just to use the state to promote one reasonably contestable conception of the good over another simply on the grounds that the people who accept the correct conception will lead better lives, but insists that when it comes to determining what rights and duties individuals have with respect to one another, as a matter of justice, we may appeal to conceptions of human flourishing” (p. 23). If Sara endorses this version of comprehensive liberalism she “can argue that the reason it is wrong to coerce someone for their own good is that it is paternalistic, and disrespects another person’s autonomous agency”. But Sara’s position can be “staunchly antiperfectionist in the promotional sense, since she denies that it is legitimate to use political power to promote controversial conceptions of human flourishing, just because the people who end up adopting these ways of life will thereby lead better lives” (p. 24). Lister thinks it avoids being perfectionist because, although it does depend on a controversial conception of the good, it “does not in any way legitimate perfectionist *imposition* of controversial conceptions of the good” (p. 25).

I fail to see, however, how Sara’s position can avoid being perfectionist. Suppose those who share Mike’s substantive position on drug use attempt to stop others from engaging in recreational drug use: let’s call this group *the Puritans*. The Puritans try to steal some people’s drugs, or use force to prevent others from taking drugs. Because Sara favors the legal permissibility of recreational drug use, she must believe that users should be protected from such illegitimate interference—she will want the police to use appropriate measures to stop the Puritans. Thus, the Puritans will be legally prevented from acting on their aims, and the reason they will be prevented from doing so is (according to Sara’s revised view) ultimately grounded in the value of personal autonomy. It thus seems clear to me that the Puritans are subject to the legal imposition of a controversial view of the good.

Perhaps Lister might protest that no one imposes a conception of the good on the Puritans; rather, the Puritans are merely prevented from imposing their conception of the good on others. But this response

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3 Note that Lister’s contrast between consequentialism and deontology, though widely adopted, is unfortunate since the two concepts are not mutually exclusive. My reply above does not rely on this fact, but for a more detailed explanation see my, “Consequentialism, Deontology, Contractualism, and Equality,” in *The Oxford Handbook of Distributive Justice*, Serena Olsaretti ed. (Oxford: Oxford University Press, forthcoming).

cannot succeed for two reasons. First, this reply only appears to succeed by equivocating between moralized and non-moralized senses of “imposition”. The moralized sense of imposition can be defined roughly as follows: A imposes on B if and only if A prevents or otherwise interferes with B’s efforts *to do something that B ought to be permitted to do*. The non-moralized conception of “imposition”, on the other hand, can be defined roughly as follows: A imposes on B if and only if A prevents or otherwise interferes with B’s efforts to do anything. If we adopt the moralized account of imposition, then it’s true that the state does not impose a conception of the good on the Puritans when it defends the drug users from their attempted interference (provided we endorse Sara’s general position). But this is a hollow victory, since it will also be true that the state does not impose a conception of the good on recreational drug users when it prevents them from taking recreational drugs (provided we endorse Mike’s general position). Because the moralized version makes imposition entirely dependent on which conception of the good is adopted as the sound basis for individual rights and liberties, it yields the conclusion that the use of legal sanctions and coercion never qualifies as imposition provided it’s done in the name of the correct conception of the good. I assume this conception of imposition is thus of no real use in defining a view as perfectionist or antiperfectionist. But if we adopt the non-moralized conception of imposition, then it remains clear that the state does impose a conception of the good on the Puritans when it prevents them from interfering with recreational drug users.

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Second, the mooted reply looks even less plausible when we shift our attention to a different topic, for example, the topic of the treatment of same-sex couples. Suppose Sara defends the view that shop owners cannot be legally required to serve gays and lesbians because doing so would pose an undue threat to the personal autonomy of shop owners who have religious or ethical objections to homosexuality. If Sara’s view is endorsed by the state, then gays and lesbians might be legally prevented from entering various shops, and this would be done in the name of a controversial view about the good life. This surely constitutes the imposition of a controversial conception of the good. But suppose Sara adopts the opposite position: suppose she favors a law that requires shop owners to serve gays and lesbians regardless of their religious or ethical views, and again the basis for her position is the intrinsic value of personal autonomy (though this time, focusing on the autonomy of gay and lesbian

persons). Shop owners will then be legally forced to serve gay and lesbian customers in the name of the intrinsic value of autonomy. Again, this surely constitutes the imposition of a conception of the good. In sum, so long as Sara grounds her support for certain legal rights and duties by appeal to the intrinsic value of personal autonomy, I cannot see how her comprehensive liberalism can remain resolutely antiperfectionist.

We can now turn to Lister's second main claim: a commitment to public reason or public justification does not preclude a modest form of perfectionism. Lister's argument in favor of this conclusion echoes an argument advanced by Joseph Chan.<sup>4</sup> The idea is that while it may be true that full-blown comprehensive doctrines or conceptions of the good must be the subject of permanent reasonable disagreement, "there can be reasonable unanimity on single, local judgments about the value of particular activities or relationships" (p. 29). For example, "if what is at stake is just the claim that it is bad to become addicted to crack cocaine, because (among other things) this undermines one's ability to recognize and act on reasons, it seems to me that there is no reasonable disagreement" (p. 31). If such local perfectionist judgments can be the subject of reasonable agreement, then even if laws and other political institutions must be publicly justifiably, they may still incorporate certain limited perfectionist judgments.

Whether this attempt to marry moderate perfectionism and public reason succeeds depends on how the constituency of the reasonable is defined. On the one hand, we might define the constituency of the reasonable in such a way as to leave it open whether all reasonable people could agree on limited perfectionist claims. On this view, let's call it the *underdetermined account*, the constituency of the reasonable is given partly by philosophical or definitional fiat (e.g. reasonable persons must endorse the political values of freedom and equality), but the definition allows some of the content of the reasonable to be supplied by what actual persons in our society, who otherwise qualify as reasonable, believe or endorse at some modest level of idealization. On another view, call it the *fully determined account*, our philosophical account of the reasonable provides an exhaustive account of those things that all reasonable persons can be expected to endorse—anything not listed by the philosophical account as a component of the reasonable is by definition a potential subject of reasonable disagreement.

4 Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy & Public Affairs* 29 (2000), 5-42.

It should be clear that Lister's proposed marriage of modest perfectionism with public reason can only succeed in one of two ways: (i) by adopting the underdetermined account and showing that, as a matter of empirical fact, all reasonable people (at some level of idealization) do agree about certain perfectionist judgments or (ii) by adopting the fully determined account and including the relevant objects of perfectionist agreement in the definition of the reasonable person. As Lister notes, in section 7.5.2 of *LWP I* I consider a challenge very similar to the one he presses, and I consider both strategies described in the preceding sentence. I continue to endorse the responses I offered in that section of the book. In brief, with regard to the first strategy, this would require an extraordinarily difficult empirical survey of all existing comprehensive doctrines, one that seems practically impossible to carry out in a manner that will be both accurate and complete. More seriously, I think the first strategy risks incoherence, since the motivation for finding out what actual citizens believe or endorse seems to conflict with the motivation for constructing an idealized account of the reasonable person whose authority is meant to be independent of any actual agreement amongst real citizens. With regard to the second strategy, I concede that I have no very well developed objection. Rather, I cannot understand why a perfectionist would want to pursue this strategy. Political liberals who take the fact of reasonable pluralism as an essential premise in political philosophy have a clear rationale for seeking to construct a freestanding conception of political justice that could be the subject of agreement amongst an idealized constituency of persons who agree only on some abstract political values. But it is unclear what would motivate a perfectionist to pursue a contractualist strategy of this sort. Once particular claims about what is intrinsically valuable are assumed to be true and to be the legitimate source of political reasons, the main impetus behind seeking a freestanding conception—the fact of reasonable pluralism—seems to have been jettisoned. I don't see why such perfectionists wouldn't simply prefer to make direct appeals to what they take to be true claims about the good life or human flourishing (which is, of course, what most contemporary perfectionists do).

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In closing, though I disagree with two of the main claims Lister advances in his essay, we agree about much else, and I lack the space here to address several of his other innovative claims about paternalism and the relationship between perfectionism and distributive justice.

## Reply to Kulenović

In his incisive contribution, Enes Kulenović seeks to defend liberal perfectionism from two of the main objections I press against it in LWP. The first objection—developed in chapter 2—is that the ideal of personal autonomy, at least as the ideal is developed by Joseph Raz, cannot *both* provide a justification for the harm principle, while also permitting many of the non-coercive policies favored by liberal perfectionists. Two of Raz’s central claims are:

- R<sub>1</sub> The harm principle, defined as the rule ‘coercion is generally not permissible unless used to prevent harm,’ is justified (at least given current empirical conditions) as a means of promoting/protecting the value of personal autonomy.
- R<sub>2</sub> The harm principle referred to in R<sub>1</sub> does not preclude certain forms of non-coercive political perfectionism (e.g. sin taxes, subsidies, and other forms of state incentives).

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I argue (LWP 70-71) there is a deep tension between these two claims:

- D<sub>1</sub> The autonomous pursuit of the good is not possible unless the condition of independence is met.
- D<sub>2</sub> Both coercion and manipulation undermine the independence of persons.
- D<sub>3</sub> Non-coercive forms of political perfectionism such as sin taxes, subsidies, and other forms of state incentives are manipulative (the defense of this premise can be found on pp. 63-67 of LWP).
- D<sub>4</sub> Therefore, if Raz’s autonomy-based harm principle precludes coercive forms of perfectionism, it must also preclude those non-coercive forms of perfectionism referred to in R<sub>2</sub>. This renders R<sub>2</sub> false.

I concede there is a way for Raz or those sympathetic to his view to avoid the conclusion in D<sub>4</sub> (I call it the diachronic defense), but I argue deploying this defense entails that R<sub>1</sub> is false.

Kulenović targets premise D<sub>3</sub>. He claims that “the goal of [at least some] such subsidies is not to manipulate people into engaging with the activities they would otherwise not want to engage, but to maintain and keep open for everyone valuable activities that are not profitable (or profitable at the price that would exclude the majority of citizens from accessing them)” (pp. 38-39). And he goes on to say, with regard to the example of a subsidy for the opera: “It is not going to the opera that makes our lives more autonomous, but having an option of going to the opera. One can live an autonomous life without ever going to opera, but living in a society where only available activities are those that are

profitable and many among those available only to the richest among us would result in the loss of autonomy for many” (p. 39).

I am not persuaded by this reply for several reasons. First, the state’s tax-and-subsidize policy remains manipulative even when done with the best of motives. I define manipulation (following Nozick, with some modifications) as the attempt by one agent, A, to subject another agent, B, to his will by placing B in a choice situation B would rationally disprefer relative to a morally acceptable status quo (LWP 65-66). By taxing citizens and using these tax dollars to subsidize particular activities, the state puts citizens in a situation they must rationally disprefer relative to the otherwise morally acceptable status quo (the status quo being a world where citizens keep the money for themselves). The state aims to shift each citizen from [having status quo level resources and a choice to attend opera at market rates] to [having somewhat less than status quo resources and a choice to attend opera at a price somewhat lower than market rates]. By using the tax-and-subsidy scheme to shift citizens from the former to the latter situation, the state intentionally puts citizens in a situation they must rationally disprefer (since it reduces the range of ways citizens can spend their own resources). Even if the state does so, as Kulenović argues, in order to make a commercially non-viable or expensive option more widely available, and even if merely providing the option is intended to increase the autonomy of citizens, this motive does not render the policy non-manipulative. Many forms of manipulation may be done with the best of intentions. If my modified Nozickian view of manipulation is plausible—and Kulenović does not challenge the account of what manipulation is—then the tax-and-subsidize policy is manipulative and thus (following Raz) a threat to independence, and thereby a threat to autonomy.

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The second objection that Kulenović focuses on is the charge—developed in chapter 3 of LWP—that most liberal perfectionist policies are paternalistic. I define paternalism as follows (LWP 80):

- 1) Agent A attempts to improve the welfare, good, happiness, needs, interests, or values of agent B with regard to a particular decision or situation that B faces.
- 2) A’s act is motivated by a *negative judgment* about B’s ability (assuming B has the relevant information) to make the right decision or manage the particular situation in a way that will effectively advance B’s welfare, good, happiness, needs, interests, or values.

Almost all perfectionist policies are paternalistic, I argue, because almost all such policies are justified partly by appeal to the assumption that individual citizens will not make the best choices about their own lives when left to their own devices (e.g. they will not spend their time or resources on appropriately valuable activities or pursuits).

Kulenović presents two purported counterexamples to this view. First, there are what he calls (following Steven Wall) nonhumanistic perfectionist policies, where the aim is not to improve the quality of individuals' lives, but rather to promote excellence (e.g. artistic or intellectual excellence) for its own sake. I concede such policies are not paternalistic, but since Kulenović does not concentrate on this category in his reply, I will set it aside and focus on the second category he identifies: corrective perfectionism. According to Kulenović: "Corrective perfectionism's role is to correct the injustices that would arise from the fact that many people can't afford valuable goods and practices and to ensure the survival of those goods and practices that are unprofitable... Corrective perfectionism makes sense because there is unequal distribution of income and wealth in liberal democracies" (p. 104). As he notes, I argue that such corrective policies would seem to be unnecessary in a reasonably well-ordered society, one where there is no injustice in the distribution of income and wealth. But this, he insists, is no objection to the policies since we live in a non-ideal world where some people have been unjustly deprived of the resources to which they are entitled.

But, once we agree that we live in non-ideal conditions where income and wealth is not justly distributed, we must decide what is the best way of responding to this injustice, and which ways of combating this injustice can avoid the charge of paternalism. As I say:

Surely the most obvious remedy to this injustice would be a redistribution of the resources to the unjustly disadvantaged group, rather than the subsidy of activities that they do not currently enjoy? If the state favors a scheme where current economic injustices are rectified by state subsidies for valuable activities, rather than by a straightforward redistribution of wealth, that must be because the state does not believe the citizens to whom the redistribution is owed would spend their resources appropriately. In other words, the rationale for redistributing resources to the economically disadvantaged in services rather than in cash, would be a paternalistic one (LWP 93).

Kulenović does not, I think, directly respond to this point, though he does offer an indirect response in his essay. He says "public funding is a way of saying that citizens as equal members of political community

are ready to support certain goods – performance art, art galleries, public parks, works of literature, sights of cultural significance, educational programs for adults, and athletic events – that are not public goods in strict economic terms, but are common goods that should be available to everyone and immune to market logic of profit” (pp. 43-44).

But even if this is what is expressed, symbolically, by such public funding, this does not necessarily defuse the charge of paternalism. Such public funding would only be needed, presumably, if the state judges that the relevant activities or pursuits will not be readily available at low cost if citizens are given their fair share of resources and allowed to spend them as they see fit. And so it is difficult to see how even the symbolic motivation described can avoid being premised on a negative judgment about the choices citizens will make with their own resources. Of course Kulenović might insist such policies are not paternalistic because the state is motivated entirely by the importance of the symbolic gesture, and in no way motivated to try and improve the welfare or wellbeing of its citizens. Such a position is possible, but it seems very unlikely that many, if any perfectionists, advocate such policies without any regard for improving the lives of citizens.

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Kulenović’s deepest objection to my brand of non-perfectionism is, I think, more clearly revealed when he says; “non-perfectionist state citizens are mere consumers voicing their individual preferences through their (now more or less equal) purchasing power. The appeal of perfectionist state is that it invites its citizens to publicly debate which good[s] should be labeled as common goods and to offer public justification why they should not be privately funded, but supported through taxes” (p. 44). This passage raises several important issues that are too complex to be adequately addressed here—I will make only the following brief comment. Although I think there is a kernel of truth in the contrast he draws in the quoted passage, I think the contrast is exaggerated. The citizens in a non-perfectionist state are not “mere consumers” since they too will vigorously engage in deliberation and debate about justice and the common good. It’s rather that, on my view, it is preferable to allow citizens to make their own decisions about which activities and pursuits have intrinsic value or are important for human flourishing, rather than using the legal and political authority of the state to promote some views about the good life in the name of the entire political community. Doing so may, in one way, promote a valuable form of public debate

about the common good, but it also entails a form of paternalism that ought to be troubling to liberals.

### Reply to Zoffoli

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In his penetrating contribution to this symposium, Enrico Zoffoli encourages me to be more radical. Indeed, he claims that my own arguments commit me to more radical conclusions that I acknowledge. In his view, the account of political liberalism I develop in LWP is even more “political” than Rawls’s since, unlike Rawls, my account precludes comprehensive doctrines from playing any role in shaping the content of political principles. More strongly, he thinks my account of political liberalism must dispense with the notion of an overlapping consensus altogether, despite what I say to the contrary in chapter 6 of the book. My version of political liberalism, on Zoffoli’s reconstruction, has no role for an overlapping consensus, and allows comprehensive doctrines or perfectionist considerations to play no part at any stage in the justificatory structure of political liberalism. Although Zoffoli says that, in this paper, he does not intend to challenge my arguments (p. 106), this isn’t quite right. He does not merely try and draw out what he sees as the more radical implications of my arguments; he also seeks to cast some doubt on whether the position that emerges is really tenable.

Zoffoli focuses on two arguments in LWP: he calls the first *the sincerity argument* and the second *the liberal argument*. I develop the sincerity argument as an objection to what are known as convergence models of public justification. Convergence models declare that a law, L (or other appropriate object of public justification), can be legitimate when each member of the justificatory constituency is justified in endorsing L for his or her own comprehensive reasons, even though there are no shared or common reasons that all members of the constituency take to be sufficient to justify L. Here is a simplified example of the convergence model (LWP 266–267). Person A holds that rule X is justified for non-shared reason *Ra*, whereas person B holds that X is justified for non-shared reason *Rb*. Assume further that A rejects *Rb*, that is, he denies it is a sound reason for X, and likewise B rejects *Ra*. Finally, assume that there are no other relevant considerations that speak in favor of X: the only possible justifications are the two that are separately held by A and B. So we have the following (the  $\rightarrow$  symbol denotes a justification relationship):

*A* believes  $Ra \rightarrow X$ .

*B* believes  $Rb \rightarrow X$ .

*A* does not believe  $Rb \rightarrow X$ .

*B* does not believe  $Ra \rightarrow X$ .

This is a pure version of the convergence view, where there are no shared reasons in support of  $X$ , but nevertheless each member of the relevant constituency believes  $X$  to be justified for his or her own non-shared reasons. If the convergence model succeeds as an account of public reason, this has dramatic implications for our moral and political practices. Contra John Rawls and many other theorists of public reason, religious and otherwise comprehensive reasons could play a central role in the process of public reason, and citizens could deeply disagree on the underlying rationale for a law, yet the law could still be publicly justified.

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The sincerity objection to this model is roughly as follows (LWP 267-273). Some rule,  $X$ , has not been publicly justified unless each member of the constituency of justification sincerely believes that each other member of the constituency has sufficient reasons to accept  $X$ . If this sincerity requirement is not met, then some people would be making moral demands on others that they do not believe those others have reasons to accept. Now consider the example above. How can *A* sincerely believe *B* is justified in endorsing  $X$  (or vice versa)? *A* can only believe *B* is justified in endorsing  $X$  if *A* believes that *B* is justified in believing  $Rb \rightarrow X$ . But  $Rb$  is derived, we can assume, from an evaluative doctrine that *A* rejects. Thus, in order for *A* to believe that *B* has a sufficient reason to endorse  $X$ , *A* must believe that *B* can be justified in adhering to a doctrine that *A* rejects. So unless *A* endorses some moderately relativist philosophical thesis about reasons and justification, then *A* cannot sincerely believe that *B* is really justified in accepting  $X$ . And if we believe, following Rawls, that philosophical theories about reasons or epistemology are the subject of reasonable disagreement, then we cannot reasonably expect *A* to adopt a moderately relativist account of reasons and justification. It's thus too much to expect convergence models of justification to succeed in societies where there is reasonable disagreement.

Zoffoli says that even if the sincerity argument were sound, it "would not fully undermine the role of comprehensive views within political liberalism". This is true because the sincerity requirement "is addressed exclusively to those who propose or support coercive laws. Like most

public reason liberals, Quong is concerned primarily with the (sincere) justification of coercion – i.e., with the justification of laws that limit citizens’ freedom by means of legal sanctions” (p. 50). But—following Gerald Gaus and Kevin Vallier—Zoffoli suggests that even if it is illegitimate to favor imposing coercion on others by appeal purely to comprehensive or non-shared reasons, this does not preclude someone from effectively vetoing the imposition of a coercive law upon herself by appeal to purely comprehensive or non-shared reasons. Put differently, there can be comprehensive or religious *defeaters* of otherwise valid public justifications: non-shared reasons that exempt an individual from being bound by otherwise justified rules. In appealing to such defeaters, the individual in question does not seek to impose her religious or comprehensive views on others; she only seeks something like a religious exemption from an otherwise applicable law.

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I do not, however, endorse the view that public reason or public justification is only applicable to coercively imposed laws or rules. I concede the text of LWP may be ambiguous or unclear about this,<sup>5</sup> but in a more recent essay I have tried to make my position clearer.<sup>6</sup> In my view, public reason is the appropriate standard for regulating the terms of our interactions with others with whom we share social, political, legal, and economic institutions. These are the terms of cooperation among free and equal persons, and as such, ought to be mutually acceptable to reasonable persons regardless of whether those terms are coercively enforced or not. As I say in the more recent essay: imagine a social world similar to our own—one where laws are debated and decided democratically, and where there is deep and sharp disagreement about which laws ought to be passed—but which differs from our own in one crucial respect. Laws are never coercively enforced because each citizen (or the vast majority) obeys the law out of a sense of civic duty or obligation even when he or she thinks the law is mistaken. In this world there is no political coercion, but I think it’s clear that the idea of public reason should nevertheless regulate the basic structure of this imagined society.<sup>7</sup>

Once we reject the view that coercion stands uniquely in need of public justification, the argument for comprehensive defeaters is seriously

5 Though see pp. 274 and 289 where I say public reason should apply to all our political decisions or exercises of political power, without qualifying this by reference to coercion.

6 Jonathan Quong, “On the Idea of Public Reason,” in *A Companion to Rawls*, Jon Mandle and David Reidy, eds. (Oxford: Wiley Blackwell, 2014), 271-273.

7 *Ibid.*, 272.

undermined. Without the presumption that it is only the coercive imposition of rules that must be justified by appeal to shared reasons, competing political proposals or demands have (absent some further explanation) the same status regardless of whether they involve coercion or not. Albert's demand to be exempt from laws requiring him to serve gay and lesbian customers in his store should be subject to the same standards of sincere public reason as the proposed law from which he demands an exemption. The debate is about the fair or legitimate terms of interaction between members of the polity, and the arguments we offer in support of our preferred terms should meet the principle of justificatory sincerity regardless of whether we are seeking to coerce others or make ourselves exempt from the coercion of others. Either way, we are seeking to justify the fair terms of cooperation or interaction with others.

The second argument on which Zoffoli focuses is what he calls the liberal argument. As he notes, one of the main ways I depart from Rawls's account of political liberalism is in the role I assign to the overlapping consensus. As Rawls presents it, once we have constructed a freestanding political conception of justice (for example, via a constructivist device like the original position), we must then check to see whether this political conception could be the subject of an overlapping consensus amongst reasonable comprehensive doctrines. Rawls says that if the political conception of justice cannot meet this second justificatory test, "it is not a satisfactory political conception of justice and it must be in some way revised".<sup>8</sup> But, as many have pointed out, if this is the role assigned to the overlapping consensus, it seems vulnerable to a fatal dilemma: "(a) either the overlapping consensus is superfluous within political liberalism, since reasonable people will be definition endorse the (correct) political conception of justice...(b) or the overlapping consensus is not superfluous, and people could (in the second justificatory stage) reject the political conception without being unreasonable" (LWP 167). But embracing the latter horn of the dilemma opens political liberalism to the objection that it allows illiberal or unjust people to effectively veto a liberal conception that has otherwise been impeccably constructed via the freestanding argument.

My solution is to revise the role of the overlapping consensus. I suggest that it should not represent a second justificatory stage or test that a political conception needs to pass. Rather, it represents the very first

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<sup>8</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 141.

stage in the political liberal project. We begin by asking what fundamental ideas all reasonable persons must endorse (e.g. ideas of freedom, equality, and fairness), and then use this as the basis for our subsequent reasoning about justice. The role of the overlapping consensus, on this view, is to identify the common ground from which political justification in a well-ordered liberal society can proceed, but it does not serve as any sort of justificatory test for the political conception, and so avoids the dilemma described above.

110 Zoffoli doubts, however, that my proposed solution really does avoid the dilemma. On my internal conception of political liberalism, it is true by definition that reasonable persons endorse the fundamental ideas of a liberal well-ordered society, and it will also be true that reasonable persons will endorse the three general liberal principles that Rawls identifies as common to all reasonable political conceptions of justice. Zoffoli says of my revised view, “an overlapping consensus on the ideals of freedom, equality and fairness would be irrelevant, for the same reason why it would be irrelevant if it were meant to support the liberal conception of justice” (pp. 54).

I disagree. The overlapping consensus only seems superfluous or irrelevant if one assumes that the role or point of the overlapping consensus is to justify political principles, or else to justify the more fundamental ideas on which those principles are based. Zoffoli attributes this view to me when he says, “Quong maintains that the overlapping consensus is necessary to justify the fundamental political values of freedom, equality and fairness” (p. 52). But this is not my view. The political liberal philosopher does not say that the fundamental values of freedom, equality, and fairness are justified because they are the subject of an overlapping consensus among reasonable people. “Reasonable persons”—at least on my account—is a technical term used to denote those who accept these fundamental ideas, and thus we cannot also appeal to the fact these persons endorse the values as evidence of their justification. Rather, as I make clear in chapter 8 of *LWP*, political liberalism does not take a stand on why the fundamental liberal ideas are justified or true. It remains silent on this question and leaves it to each individual citizen to work out for herself, from within her own comprehensive doctrine, why the fundamental ideas are justified and should be accorded deliberative priority. On the internal conception of political liberalism that I favor, liberal philosophy in a well-ordered society must abstain from offering a justification of our most basic political values and their priority, since

any attempt to do so will go beyond the boundaries of the political, and as such, will not be acceptable to all reasonable citizens (see LWP 242).

But what, then, is the role of the overlapping consensus? Why don't I, as Zoffoli wonders, dispense with it entirely? I don't dispense with it since I think it plays an essential role: the overlapping consensus "identifies what normative ideas citizens in an ideal, well-ordered liberal society would share. The need to identify this common ground is driven by the internal conception of political liberalism's aim: to understand how the public justification of political power can be made consistent with the reasonable pluralism generated by liberal institutions" (LWP 191). As Rawls famously tells us, justification typically proceeds from what parties in dispute have in common.<sup>9</sup> The role of the overlapping consensus is to identify that common ground within a well-ordered liberal society.

### Reply to Zelić

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In his imaginative and challenging paper, Nebojša Zelić suggests that my account of political liberalism may lack the theoretical resources to address certain threats to the stability of a well-ordered liberal society. The paper begins by asking us to imagine an apparently well-ordered liberal society, but one that is unusual in several respects. Citizens and legislators debate and vote on laws and political issues by appeal to the full range of their comprehensive doctrines—there is no Rawlsian duty of civility in this society. But once a proposal has been debated and passed by the legislature, it must pass a further test before becoming law: a panel of Supreme Court Justices must examine the law and determine whether it can be adequately justified purely by appeal to public reasons, regardless of whatever comprehensive reasons may have been offered in support of the proposal at the legislative stage. Only proposals which the Supreme Court deems justified by appeal to public reason become law, and since all citizens accept this two-stage mechanism as appropriate, the society is apparently well-ordered and governed by an appropriate ideal of public reason or public justification. Zelić calls this the *Political Liberal Expert State* (PLES).

Zelić suggests that there are at least three potential problems with the PLES. First, it seems troubling that citizens and legislators do not directly take up the task of engaging in public justification with one another,

<sup>9</sup> John Rawls, *A Theory of Justice: Revised Edition* (Oxford: Oxford University Press, 1999), 508–09.

rather they delegate this task to the experts on the Supreme Court. By delegating this responsibility to others, citizens may not fully realize a valuable form of civic relationship: the relationship of civic friendship characterized by a certain form of reciprocity and mutual reason-giving. Moreover, Zelić appeals to the civic republican view that active participation in civic life by citizens is the best way to safeguard the political liberty of one's society, and in a society where crucial deliberative tasks are delegated to experts, such civic virtue may be lacking. Second, Zelić suggests that if, as I do, one endorses a broad conception of public reason's scope, it may be more difficult to understand how a Supreme Court can be, *ex post*, tasked with determining whether a given law can be justified by appeal to public reasons. The difficulty is that, on the broad view that I favor, there is no way to be confident, *ex ante*, what public reasons may exist that are relevant to a given decision. And whether a particular policy really can be justified by appeal to public reasons is something that must be worked out via the process of democratic deliberation. I have a great deal of sympathy with what Zelić has to say on both these points, and so I will say nothing further about them here.

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But Zelić presents a third worry about the PLES that offers a more direct challenge to my own view. He worries that the picture of citizens who exist in the PLES is insufficiently realistic. Citizens in a well-ordered society must come to endorse the fundamental liberal ideas on which the society is based, and accord those political values deliberative priority when deciding whether to comply with legitimate laws. But a society where a panel of experts, rather than individual citizens and legislators, do the hard work of determining whether each proposed law really meets the test of public reason will be less likely to create a society where citizens have this *wholehearted* commitment to fundamental liberal ideas. Instead, Zelić thinks it is more likely that a substantial number of citizens will be what he calls "non-ideally reasonable" (p. 68). Non-ideally reasonable citizens endorse the public political values, but "they do not ascribe full deliberative priority of public reason, especially not at all levels of political deliberation" (p. 67). They will thus sometimes promote policies that are supported by their comprehensive doctrine, or by other perfectionist considerations, even when these policies cannot be justified by appeal to public reasons. They believe in the importance of public reason, but they are not fully committed to the ideal.

For Zelić, non-ideally reasonable citizens pose a general problem, not one that is unique to the PLES. He thus thinks political liberalism, as a

theory, must have something to say to such citizens in order to ensure the long-term stability of a well-ordered society. But my account has very little to say to such citizens. In *LWP* I focus on an ideally well-ordered society, one where all reasonable persons are fully committed to the ideal of public reason and are always willing to accord deliberative priority to the requirements of liberal justice.

Zelić thinks this model is too limited to secure long-term stability, and so he favors an additional stage of public reason or public justification, what he calls the pre-overlapping consensus (pre-OC) stage. As I understand his position, the aim of the pre-OC stage is to engage others in dialogue and persuade them to endorse the fundamental liberal ideas and accord those ideas deliberative priority—in other words, to persuade others to be wholehearted in their commitment to the political liberal ideal. As he presents it, this process of dialogue or justification bears some similarity to what Rawls calls “reasoning from conjecture” (p. 70). Zelić argues, however, that this pre-OC stage of justification must be governed by different, less stringent standards. In particular he suggests that the demanding conditions of civility and sincerity that I defend for public reason in the post-overlapping consensus stage are too demanding for the pre-OC stage. He suggests that Gerald Gaus’s recent, less demanding account of sincerity is better suited for the pre-OC stage.

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Zelić’s idea of a pre-OC stage of public reason is intriguing, and though he presents this as a challenge or at least a potential modification of my own position, our views may not be that far apart. I’ll make three brief points about his proposal. First, with regard to those who may sometimes be tempted to act unreasonably, as the non-ideally reasonable citizens are, I say the following in *LWP*:

As citizens we are, of course, at liberty to try and reason with those other citizens who are struggling with these decisions, to persuade them that they should remain committed to the core political values of freedom, equality, and fairness, and jettison any beliefs that are in conflict with those values...but political liberalism...need not and should not aspire to resolve these problems of coherence that may arise within a particular citizen’s set of beliefs (*LWP* 189).

The effort to justify to individual citizens why they ought to accord deliberative priority to liberal justice is not, I stress throughout, part of the political liberal project, but is rather part of a comprehensive public philosophy that must necessarily go beyond the limits of the political, and make comprehensive claims about which political liberalism must remain agnostic (*LWP* 242).

My position on this remains unchanged. Political liberalism cannot, as a theory, advance a particular comprehensive view regarding why citizens ought to be ideally reasonable, since to do so would be to go beyond the limits of the strictly political. But this is entirely compatible with an activity similar to the one Zelić describes, where individuals deliberate with one another not as citizens, but as Catholics, or Jews, or adherents of other doctrines. Rawls's idea of reasoning from conjecture—where we try and persuade adherents of other doctrines to be more firmly committed to certain fundamental liberal ideas by appealing to features internal to the doctrines themselves—is one way to pursue this activity. Provided one is explicit about one's aims, I think this can be a laudable activity. It's just not an activity that constitutes part of political liberalism as I understand it.

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Second, we need to be clear about the aim of the pre-OC stage, and why this aim would call for a different and weaker principle of justificatory sincerity. On my account of political liberalism, the pre-OC stage is not a part of public reason or public justification. On the internal conception of political liberalism we simply begin by assuming that all citizens are reasonable and fully committed to the fundamental liberal ideas. Put differently, on the internal conception, the fundamental liberal ideas do not stand in need of some prior justification, they are taken as given—as the starting points for the political liberal project. If this is the picture of political liberalism we adopt, then conditions that apply to public reason—conditions like the principle of justificatory sincerity—are inapplicable to the pre-OC stage since, on the internal view, the pre-OC stage is not a part of public reason, but rather a precondition for it. To hold that the fundamental liberal ideas that form the basis of political liberalism stand in need of public justification is to adopt what I call the external conception of political liberalism, a conception which I believe is vulnerable to a series of fatal objections (LWP chapter 5). In sum, provided one adopts the internal conception of political liberalism, then one might go much further than Zelić does: it's not simply that different and weaker standards of justificatory sincerity apply in the pre-OC stage, it's rather that standards of public reason do not apply at all at this stage. Of course there might be other standards of interpersonal private morality that ought to regulate the way individuals reason and deliberate with one another regarding their comprehensive beliefs, but that's not something about which I have well-developed views, and it falls outside the project of political liberalism as I understand it.

But—and this is my third and final comment about Zelić’s proposal—suppose you endorse a different view of political liberalism. Suppose you believe that the pre-OC stage forms an essential part of the justification of political liberalism—that persuading the non-ideally reasonable to be ideally reasonable is somehow necessary for the full justification of a liberal conception of justice. If this is your view, should you endorse Zelić’s suggestion that a weaker standard of justificatory sincerity is appropriate for the pre-OC stage? Here is how he, following Gaus, describes the view he favors: “If we have two persons, A and B, and different reasons  $R_a$  and  $R_b$ , A can sincerely appeal to  $R_b$  (and vice versa) only if A believes that (i) B would have sufficient reason to endorse  $R_b$  and (ii) A could see this as intelligible and relevant, though he does not endorse it” (p. 71). The main difference between this view of sincerity and the Principle of Justificatory Sincerity (PJS) I propose is the idea that A need only view B’s reasons as intelligible and relevant, where this seems to stand for something less than justificatory.

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I will have more to say about Gaus’s principle of sincerity in my response to Baccarini, but for now I will just note that I do not see why intelligibility and relevance should be sufficient at the pre-OC stage, once we assume that that stage is an essential part of justifying a liberal conception of justice or family of liberal conceptions. It seems to me that the same reasons why PJS is appropriate for regulating public reason at the post-OC stage apply to the pre-OC stage *if* these two stages are both part of the same overarching project of public justification. Why would it be acceptable for A to invoke reasons which she does not think can serve as justificatory for B in the pre-OC stage if it would be inappropriate for her to invoke such reasons in the post-OC stage? Zelić says, in defense of his proposal, that “we act in accordance with our virtue of civility when we listen to others and try to see things from the point of view of their conception of good. In this way we do not only *treat* others in [a] tolerant and respectful way, but we *communicate* in [a] tolerant and respectful way” (p. 73). I agree that showing others that we are trying to see things from their point of view can be an important way of treating them respectfully and communicating that respect. But communicating our respect for others is one thing, and which reasons we may sincerely appeal to when attempting to justify the use of political power over others is another. If A does not think  $R_b$  is truly justificatory for B, then it seems to me he may not sincerely think political power can be legitimately exercised over B by appeal to  $R_b$  alone.

## Reply to Baccharini

Elvio Baccharini shares my view that public reason is a central part of an ideal and well-ordered liberal society, and in his innovative contribution to this symposium he seeks a middle ground between my view of public reason and Gerald Gaus's account. In particular, Baccharini argues that there is a greater role for the convergence model of public reason than I allow, though he still allows it less of a role than Gaus would like. The convergence model, recall, allows that a law or political principle, *L*, can be justified to all members of the relevant constituency without appeal to any shared reasons: provided each member of the constituency has his or her own sufficient non-shared reason to endorse *L*, then *L* is publicly justified. The consensus model, on the other hand, requires a law or political principle to be justified by appeal to shared reasons—reasons that all members of the justificatory constituency can accept as reasonable grounds for endorsing the law or principle.<sup>10</sup> In LWP I present an objection to the convergence model which is summarized as follows (LWP 274—also see my response to Zoffoli above):

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- 1) Convergent justifications amongst people adhering to different comprehensive doctrines can only succeed provided each person involved sincerely believes that the other people involved are justified in adhering to their different doctrines.
- 2) The condition described in (1) will not be met unless people accept certain epistemological or axiological theories (e.g. Gaus's).
- 3) The fact of reasonable pluralism means that we cannot and should not expect individuals to adhere to any particular epistemological or axiological theory.
- 4) Therefore, as a general matter, we cannot expect convergent forms of justification to succeed under conditions of reasonable pluralism.

Baccharini believes this objection is not decisive against the convergence model. He aims to defend the convergence model, however, in a way that departs from Gaus's view. Here are the key steps of Baccharini's argument in support of convergence (pp. 82-83):

<sup>10</sup> Note that, on the version of the consensus model that I favor, members of the constituency need not all share the very same reasons for endorsing some law, *L*, in order for *L* to count as publicly justified—it only needs to be the case that each member of the constituency sincerely and reasonably believes that there is a justification for *L* grounded in shared reasons (LWP 264).

- 1) You are entitled to follow your standard of justification  $\Sigma$  in every case when there is not a successful defeater for the reasons that it justifies.
- 2) The standard of justification  $\Sigma$  sustains rule R.
- 3) R is justified to you if there is not a successful defeater for it.
- 4) There are no defeaters of R.
- 5) R is overall justified to you.

In this argument the “standard of justification  $\Sigma$ ” refers to your comprehensive doctrine or non-public evaluative standard. Baccharini’s argument has an apparent advantage over Gaus’s defense of the convergence view because there is no appeal to a particular epistemological theory over which reasonable persons are assumed to disagree. Instead Baccharini relies, in premise (1), on something closer to a normative or moral claim, one he suggests could be shared by people with diverse comprehensive doctrines. If we agree that individuals are entitled to follow their own standard of justification—subject to some conditions—then we need not take a position on whether they are justified in doing so, rather we simply grant individuals the normative permission, as it were, to take their own doctrines as given.

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There is another feature of Baccharini’s argument that distinguishes his position from Gaus’s. In his initial description of what it means to be entitled to follow one’s standard of justification, Baccharini says the following: “but every person is entitled to follow her standards of justification, in so far...as they do not conflict with what is justified by shared reasons related to the foundational commitments of liberalism, i.e. to the common standards of justification of reasonable citizens” (p. 82). If Baccharini means that any individual’s private or comprehensive justification for  $f$  is always defeated whenever there is a public or shared justification for  $\neg f$ , then the conclusions of convergence reasoning can never conflict with whatever is justified by consensus or shared reasoning—this latter form of reasoning has lexical priority over the convergence model. This feature of Baccharini’s argument ensures his account avoids the most counterintuitive implications that would arise from convergence reasoning—convergence reasoning can never justify laws that would be unjust or illegitimate from the perspective of our shared public political values.

I do, however, think Baccharini's argument is vulnerable to a serious worry: I think that it trades on an ambiguity regarding what it means to be "entitled" to follow your standard of justification. On one interpretation of the first premise, it is a straightforward moral claim: Albert does nothing morally wrong by believing his own standard of justification in any given case (provided there is no successful defeater). When understood this way, premise 1 looks very plausible, and I can see how, as Baccharini suggests, this premise might be endorsed by people from a variety of different perspectives.<sup>11</sup> But this interpretation of premise (1) does not, I think, support the conclusion that Baccharini wants to reach. Even if Albert would do nothing morally wrong in believing the conclusions of his own standard of evaluation, it does not follow that Betty may permissibly appeal to this standard in justifying the exercise of political power over Albert. Suppose Albert's standard of evaluation is astrology. Even if it is true that he does nothing morally wrong by believing the conclusions of astrology, it does not follow that Betty does nothing morally wrong by appealing to "astrological reasons" in justifying the exercise of political power over Albert, assuming she does not believe Albert is justified in believing astrology. If the law, L, that Betty favors can only be "justified" to Albert by appeal to astrology—if there are no considerations that Betty believes are genuinely justificatory for Albert which also support L—then I think it is wrong for Betty to appeal to astrology in support of imposing L on Albert.<sup>12</sup>

Suppose, however, we do not interpret premise (1) as a straightforward moral claim, but rather as an epistemological or semi-epistemological claim. On this interpretation, it has something like the following implication: "Albert's beliefs are epistemically acceptable/respectable—i.e. sufficient to be used as justificatory with regard to Albert—when he follows his standard of justification  $\Sigma$  in every case when there is not a successful defeater". Understood in this way, the premise can support the convergence conclusion that Baccharini aims to defend. The difficulty, however, is that premise (1) does not look nearly so plausible when interpreted in this way. Albert's beliefs are not epistemically acceptable or respectable whenever he follows his standard of justification  $\Sigma$  in every

11 I don't say that premise 1 is correct when interpreted in this way, only that it seems very plausible. A full assessment of its truth would depend on several other considerations that need not detain us here.

12 It is important to remember, in examples like this one, that we must not imagine Albert consents or agrees to L. We must imagine he does not consent or agree, but that he "should" endorse L *given* his astrological beliefs, and this is the basis on which Betty might support the imposition of L on Albert.

case when there is not a successful defeater. If, for example, Albert's standard of justification is astrology, and astrologically speaking, Albert ought to believe *f* (within the framework of astrology there are no defeaters for *f*), this is not sufficient to conclude that if Albert were to believe *f*, this would be epistemically acceptable or respectable. Albert may, after all, not be justified in believing astrology. The mere fact Albert accepts astrology as his standard of justification does not mean he is justified in doing so. And if he is not justified in doing so, then Betty cannot sincerely appeal to astrological claims when justifying political proposals to Albert, since in doing so, she would be appealing to considerations which she does not sincerely think can serve as justifications for Albert.

Of course Baccarini might follow Gaus's position, as developed in *The Order of Public Reason*, and insist that Betty need not sincerely believe Albert is justified in adopting his framework, but rather she need only view his framework as "as intelligible and relevant".<sup>13</sup> But if the standard for sincerity is this low—if we only need to see others' non-shared reasons as intelligible and relevant—then the argument succeeds at the price of abandoning the project of public justification. Beliefs and actions can be perfectly intelligible without being justified. My friend's deep fear of spiders, for example, is perfectly intelligible, but it is not justified.

I now want to set aside Baccarini's argument in support of a limited form of the convergence model, and move on to consider an important objection he raises against my own position. He suggests that my account of political liberalism may be vulnerable to the very same objection I press against the convergence model. As several of the symposium contributors note, my account of political liberalism depends on a view in which the overlapping consensus constitutes the first stage of political liberalism. Political liberalism begins by asking what values or ideals reasonable persons in a well-ordered society would all share, and then uses these points of consensus as the basis from which to begin the project of the public justification of political power. But the overlapping consensus might be better described as a convergence model of reasoning—adherents of different comprehensive doctrines all converge on the shared political values (e.g. freedom, equality, and fairness) for their own distinct comprehensive reasons—they find their

13 Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2011), 289.

own non-shared grounds for endorsing the fundamental liberal ideas. But if so, then Baccharini says “the possible problem is that even if all citizens rely in public reasoning on ideas and principles assumed to be the subject of an overlapping consensus amongst reasonable people, some of them endorse these ideas and principles by relying on what others take as unsound justificatory reasons” (p. 86). Reasonable Catholic citizens, for example, may view reasonable Muslim citizens as unjustified in endorsing Islam, and thus believe reasonable Muslims are unjustified when they take themselves to have sufficient reasons grounded in their Islamic doctrine to endorse the fundamental political ideas of freedom, equality, and fairness (and vice versa). The same objection I press against the convergence model—that it is inconsistent with the Principle of Justificatory Sincerity (PJS)—thus applies to my own account of political liberalism.

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This is a serious objection, but I believe it does not succeed. As I say in LWP:

The same problem (the failure to be consistent with PJS) does not afflict the Rawlsian consensus model of justification because (as I argued in chapter 6) this model takes the fundamental ideas of the overlapping consensus as given, that is, as the justified starting points from which all reasonable public justifications can proceed. All suitably public justifications thus necessarily begin from fundamental and shared political ideas that we sincerely assume all other reasonable citizens are justified in accepting (LWP 271 n. 47).

As I also emphasized in my response to Zelić, on the internal conception of political liberalism, the pre-OC stage—the reasoning that leads individuals to endorse the fundamental political values from within their own comprehensive perspective—is not part of the process of public justification at all, and so the standards of public justification (like PJS) do not apply to this stage. The comprehensive deliberations of citizens may be a necessary precondition for a well-ordered liberal society to emerge and for public justification to begin, but those deliberations are not subject to the same standards of sincerity and civility that apply when we engage one another in public discussion in our roles as citizens.

The objection I press against the convergence model succeeds in part because proponents of the convergence model—like Gaus—adopt a different picture of the public reason project. On Gaus’s account, there can be no normative commitments that are taken as given—as beyond the test of public justification. Rather, any normative claim that is alleged

to ground a demand on others must be subject to the test of public justification, and so it is always appropriate to ask, about any individual's normative commitments—even the most fundamental liberal values—whether we sincerely believe the individual in question is justified in endorsing those commitments.

My view of public reason is different. I begin with a puzzle that arises for those who share certain moral commitments and aim to live together with others on just terms that can be reasonably and willingly accepted by all, but who recognize that among those who share this aim there is no agreed religious, moral, or philosophical framework that can determine what justice requires. Individuals who share this aim, and recognize this kind of disagreement, should realize that the terms of justice will have to be grounded in public reasons: in reasons we all share by virtue of our common normative commitments to the values of freedom, equality, and fairness. Public reason is thus not, on my view, as foundational to moral reasoning as it is on Gaus's account. As I see it, public reason is further downstream in the justificatory structure of moral and political philosophy. It is essential in helping us to understand what justice requires given a commitment to values such as freedom, equality, and fairness, but it cannot vindicate or undermine those prior normative convictions. As a result, we do not worry about whether individuals are justified in endorsing the fundamental liberal values—those values or not up for debate—they are rather the grounds from which we begin thinking about what political justification must look like in a well-ordered liberal society.

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I have not managed to address all the points Baccarini raises in his fascinating paper, but I will conclude here by thanking him again for organizing this symposium and providing me with the opportunity to engage with such a thoughtful and constructive group of philosophers.

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