

A Dilemma for Theories of Public Reason

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Abstract

The ideal of public reason requires citizens to justify laws with public reasons. Unlike appeals to comprehensive doctrines, public reasons do not compel citizens to abandon their most basic religious or philosophical convictions, provided that these convictions are reasonable. The article presents a dilemma for theories of public reason. Either the proscription against appealing to comprehensive doctrines is redundant on ordinary rules of argument, or there are in effect public reasons for rejecting a reasonable comprehensive doctrine as false, *i.e.*, public reasons that compel some citizens to abandon their most basic (and reasonable) religious, moral or philosophical convictions.

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1. The ideal of public reason requires citizens to give public reasons when justifying laws and policies.¹ The requirement derives from the liberal principle of legitimacy, according to which the exercise of coercive authority is

1. The author thanks Lucas Stanczyk and two anonymous referees for *Philosophical Studies* for providing extensive comments on earlier drafts. All remaining errors are the author's own.

legitimate only if it can be justified with public reasons. Thus, a Christian who acts consistently with the ideal of public reason will not cite Scripture as the reason for supporting taxes that fund social welfare programs. If such taxes could be justified only by appeal to comprehensive moral or religious doctrines and not by appeal to public reasons, they would be illegitimate.

Public reasons do not compel citizens to abandon their most basic religious, moral or philosophical convictions, provided that these convictions are reasonable. Public reasons are therefore thought to be the appropriate basis for justifications of coercive law in liberal societies committed to pluralism. Unlike an appeal to Scripture, which a reasonable Muslim or atheist could not accept without abandoning her core religious or philosophical commitments, public reasons constitute the common ground on which reasonable citizens can deliberate together, despite the diversity of their fundamental convictions.

Here I present a dilemma for theories of public reason. The dilemma arises in cases where reasonable citizens disagree about which of several, mutually exclusive laws to enact, and each side can defend its position by appeal to public reasons. Many decisions on economic and social policy fall into this category: reasonable citizens can disagree about the appropriate mix of taxes on capital and consumption, for example, and it is not as though there is only one tax code that is capable of being defended by appeal to public reasons. In such cases, it is still thought to be an important fact about these reasons that all reasonable citizens can accept them without jettisoning their most basic religious, moral or philosophical convictions, provided that these convictions are reasonable. This thought meets the fol-

lowing dilemma. Either the proscription against justifications that appeal to reasonable comprehensive doctrines is redundant, because every such justification already violates apolitical, generic standards of good argument, or, for some reasonable comprehensive doctrine, there are public reasons that are in effect reasons for concluding that the doctrine is false.

The idea of public reason and the liberal principle of legitimacy originate in Rawls's writings on political liberalism, but they have been the subject of a large literature since.² The claim that "the" theory of public reason faces a dilemma might seem implausible from the start, if only because there are multiple versions of the theory, not just one. The assumptions on which the argument rests fit some versions better than others. There may be ways to escape the dilemma, without abandoning the intuitions that motivate the theory of public reason. The contribution of the paper is to illuminate the implications of these assumptions and the consequences of taking possible escape routes.

2. Here are a few background assumptions and preliminary definitions. *Public reasons* are a special class of considerations to which citizens are (sometimes) to appeal when justifying (certain) laws and policies, and the class excludes appeals to comprehensive moral, religious, and philosophical doctrines. This characterization is meant to abstract from disagreements among public reason theorists that are irrelevant to my argument. For example, the inclusion and meaning of the parenthetical qualifiers, concerning

2. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); *Justice as Fairness: A Restatement* (Cambridge: Belknap Press, 2001).

the disputed “sites” and “scope” of public reason,³ have no bearing on my argument. Nor does it matter for the argument how this class of considerations is defined, beyond the stated exclusion of comprehensive doctrines. The class might be defined as the class of considerations that hold weight for an idealized constituency of reasonable citizens, defined as those citizens who accept certain basic liberal values.⁴ Or it might be defined in some other manner altogether. What is relevant for the dilemma is simply that the set of public reasons excludes appeals to comprehensive doctrines. Indeed, within the argument, ‘comprehensive doctrine’ is merely a label for the excluded considerations. Thus, we can ignore controversies about how to draw the distinction between “comprehensive doctrines” and “political doctrines” and whether the distinction is well-motivated. The argument will apply even to versions of public reason theory that do not rely on this distinction, so long as there is *a* set of considerations that are excluded from the class of public reasons. The gist of the dilemma is that, given other assumptions that I defend in the course of the argument, the exclusion is either redundant on ordinary rules of argument or unsuccessful as means of achieving a kind of neutrality among the points of view represented by the excluded considerations (e.g., the reasonable comprehensive doctrines).

As the argument concerns only this feature of theories of public reason,

3. For example, Rawls argues that public reason applies to questions of constitutional essentials and basic justice; Rawls, *Political Liberalism*, section 5 of “The Idea of Public Reason”; “The Idea of Public Reason Revisited” in *John Rawls: Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 575. Jonathan Quong defends a broader scope in Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011).

4. E.g., Quong, *Liberalism Without Perfection*, 261; Andrew Lister, *Public Reason and Political Community* (London: Bloomsbury, 2013), 7–14.

it presupposes no positions in debates about how best to understand various technical terms in the public reason literature, e.g., what counts as a “reasonable” comprehensive doctrine and how to characterize the constituency of persons to whom public reason justifications are owed,⁵ or what it means for public reasons to be “acceptable” to citizens.⁶ The argument does require the assumption that there can be a kind of reasonable disagreement over the desirability or permissibility of coercive measures; specifically, it is assumed that with respect to some issues, one can produce arguments both for and against a measure that appeal only to public reasons. But the argument’s dependence on this assumption does not limit its importance. Theories of public reason need to recognize the possibility of such disagreement and explain why it differs from reasonable disagreements about morality, religion, and the good, if they want to produce a satisfactory response to the “asymmetry objection.”⁷

I assume that apart from the requirements of public reason, there are generic requirements that apply to moral and political arguments. One such rule allows one to reject invalid arguments. Another such rule is that one cannot successfully defend a conclusion by an argument whose premises one

5. See Quong, *Liberalism Without Perfection*, 138–144, summarizing the issues at stake between ‘external’ and ‘internal’ conceptions of political liberalism and the associated characterizations of ‘reasonable persons’; David Enoch, “Against Public Reason” in *Oxford Studies in Political Philosophy, Volume 1*, eds. David Sobel, Peter Vallentyne, and Stephen Wall (Oxford: Oxford University Press, 2015), arguing that public reason theories have no good way to resolve the difficulties arising here.

6. James Bohman and Henry Richardson, “Liberalism, Deliberative Democracy, and ‘Reasons that All Can Accept’,” *The Journal of Political Philosophy* 17 (2009): 253–274.

7. Simon Caney, “Liberal Legitimacy, Reasonable Disagreement and Justice,” *Critical Review of International Social and Political Philosophy* 1 (1998): 19–36; Michael Sandel, “Review of Political Liberalism,” *Harvard Law Review* 107 (1994): 1765–1794. For a reply to the asymmetry objection, see Quong, *Liberalism Without Perfection*, ch. 7.

has no good reason to believe are true. These rules apply to more than just arguments in politics, of course. I refer to them as *ordinary rules of argument* or *apolitical norms of argument*. When I describe the first horn of dilemma, I refer to public reason's requirements being *redundant* on ordinary rules of argument. I mean the possibility that every argument that violates the requirements of public reason also violates one or more of the ordinary rules of argument.

When I describe the second horn, I refer to *reasons that are in effect reasons to conclude that a comprehensive doctrine is false*. Here is what I mean. Suppose an atheist and a theist are debating the existence of God. The atheist presents what he thinks are reasons for concluding that if thousands of innocent human beings die horrible deaths in natural disasters each year, then there is no God. The atheist has not directly and explicitly claimed that the belief in God is false, but he might as well have. He has claimed that either this belief is false, or another proposition—that thousands of innocent human beings die horrible deaths in natural disasters each year—is false; but the theist has strong reasons to believe the second proposition is true. The atheist has given the theist what are, for the theist,⁸ in effect reasons for concluding that theism is false. More generally, reasons for concluding that either not- p or not- q are (by stipulation) *in effect reasons for concluding that p is false* if one has strong reasons to believe q is true. That is to say, the reasons someone (such as the theist) has for concluding that either not- p or not- q are in effect reasons for concluding that p is false if this person has

8. I am not hereby suggesting that they are not also such reasons for the atheist and everyone else; but the fact relevant to the argument is that they are such reasons for the theist.

good reasons to believe that q (as the theist has good reasons to believe that thousands of innocent human beings die horrible deaths in natural disasters each year).

One might wonder whether references to good reasons for believing that p import a conception about reasons that is alien to theories of public reason. If so, one might then wonder whether what follows is not a dilemma for theories of public reason at all, but rather an external critique, requiring question-begging assumptions that public reason theorists reject. I address an objection along these lines below. For now, note merely that the reasons posited in the example are not assumed to play any role in justifying exercises of coercive force. As the theory of public reason is a theory of the reasons appropriate for such justifications, there are no *prima facie* grounds for suspecting that positing such reasons would beg any questions against it.

I now proceed to an initial statement of the dilemma.

2. Take the following ‘justification’ for prohibiting abortions:

(A1) According to the Bible, abortion is wrong.

(A2) Thus, abortions should be outlawed.

This justification fails the test of public reason. Its only premise is pulled from a sectarian religious doctrine, which not all reasonable citizens can accept without abandoning their core commitments.

In this example, the restrictions imposed by public reason are entirely redundant on ordinary, apolitical norms of argument. We do not need to invoke the idea of public reason when confronted with a non sequitur. If every

possible political use of a comprehensive doctrine involves a non sequitur, then we do not need a theory of public reason to explain why appeals to the doctrine are inadmissible when justifying laws.

To get from comprehensive doctrines to conclusions about the state's exercises of coercive power, one typically needs help from auxiliary premises, as in the following example.

(B1) The state should adopt tax policies that would increase aggregate utility.

(B2) Taxing all income at 100 percent and spending all of the revenue on parades would increase aggregate utility.

(B3) Thus, the state should tax all income at 100 percent and spend all of the revenue on parades.

This argument is valid, but public reason disbars it because its major premise is derived from a comprehensive moral doctrine—utilitarianism—that not all reasonable citizens can accept.⁹ Since the argument is logically valid, public reason's requirements are not redundant on the rule forbidding non sequiturs.

But they are still redundant in this case. No one, including anyone who accepts (B1), has good reasons to believe (B2). If a utilitarian offered this argument, one could reply by pointing out the absurdity of the second premise.

9. There is another way of expressing the public reason requirement and the problem with this argument. The public reason theorist might object to it on the grounds that what is needed is an argument for the conclusion that the state is permitted to adopt the coercive measure in question, and such a conclusion needs an auxiliary premise concerning the conditions under which exercises of coercive power are permitted. See, e.g., David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton, NJ: Princeton University Press, 2008), 50–52. This observation is tied to an objection to my argument, which I address below.

Flagging premise (B1) and invoking public reason would once again be redundant in explaining why the argument is unsuccessful as a justification for an exercise of coercive force.

Now consider the following argument:

(C1) The state should adopt tax policies that would increase aggregate utility.

(C2) Eliminating taxes on investment income and replacing them with a sales tax would increase aggregate utility.

(C3) Thus, the state should eliminate taxes on investment income and replace them with a sales tax.

Let us assume for the sake of argument that there are good reasons to believe (C2). Specifically, let us assume there are utilitarians, affirming (C1), who have good reason to believe (C2) and might consequently make this argument, without violating any ordinary rules of argument. Then public reason is not redundant: there is at least one example of an argument that could not be advanced as justification for a law without violating the requirements of public reason, but which could be advanced without violating ordinary rules of argument.

The existence of such an argument is necessary to avoid the first horn of the dilemma. Consider any issue about which reasonable citizens can disagree (*e.g.*, the appropriate balance between taxing capital and taxing consumption), and take any reasonable comprehensive doctrine. Perhaps, for every argument concerning the issue that appeals to the doctrine, the

argument is either a non sequitur or uses auxiliary premises that anyone affirming the comprehensive doctrine has no good reasons to believe. That possibility illustrates the first horn of the dilemma. It would mean that, as far as the comprehensive doctrine in question goes, the strictures of public reason are redundant, given ordinary, “apolitical” norms of argument and justification.

3. To bring the second horn of the dilemma into view, let us assume public reason is not redundant. That is, assume that for at least one reasonable comprehensive doctrine, there is some valid argument in which the doctrine figures as a premise and which, with the help of auxiliary premises that at least some adherents of the doctrine have good reasons to believe, terminates in a conclusion about the policy issue in question. Purely for the sake of having a concrete example, I will assume that the preceding argument—(C1), (C2), therefore (C3)—qualifies as such. That is, I will assume that (C1) expresses a reasonable comprehensive doctrine, and that there are utilitarians who have good reasons to believe the auxiliary premise (C2).

It should be noted, however, that nothing hinges on the particular details of this *arguendo* assumption. In particular, the reader is free to choose a different example if she believes that the utilitarianism expressed by (C1), besides being false, is not even a reasonable comprehensive doctrine, or that the auxiliary premise (C2) is implausible and no one would have good reasons to believe it.¹⁰ What is essential is simply the supposition that there is some

10. The reader might object, not to any particular features of the example, but rather to the structure of the posited argument (see, e.g., previous footnote). I respond to an objection along these lines below.

valid argument in which *a* reasonable comprehensive doctrine figures as a premise along with auxiliary premises that some of the doctrine’s adherents have good reasons to believe. This supposition must be true if we are to avoid the conclusion that the idea of public reason is redundant.

Having stressed this, let us return to our concrete example, and assume that (C1) expresses a reasonable comprehensive doctrine, and that some utilitarians have strong grounds to believe the auxiliary premise (C2). Now, assume further that the conclusion in (C3) represents a case of reasonable disagreement: the appropriate mix of taxes on capital and consumption is a matter over which reasonable persons may differ, and it is not the case that only one unique combination of taxes can be supported by appeal to public reasons.¹¹ Note once again that nothing hinges on the particular content of this *arguendo* assumption. What is needed for the second horn of the dilemma to emerge is merely the assumption that reasonable persons can disagree about *some* proposition that can be inferred from a reasonable comprehensive doctrine when combined with well-supported auxiliary premises, and they can defend their views about the proposition with public reasons.

So, returning to our example, let us assume that the mix of taxes on capital and consumption is such a case, and there are public reasons that can be marshaled not merely against but also for capital taxation. Perhaps the argument looks like this:

(D1) The state should not adopt policies that reduce the economic prospects

11. We may assume the issue is the subject of what Jonathan Quong terms ‘justificatory disagreements’ among reasonable citizens. A justificatory disagreement is one between reasonable citizens who “accept the idea that society should be a fair system of social cooperation between free and equal citizens” and accept “the existence of the burdens of judgement and consequent fact of reasonable disagreement” (p. 205).

of the least advantaged.

(D2) Eliminating taxes on investment income and replacing them with a sales tax would reduce the economic prospects of the least advantaged.

(D3) Thus, the state should not eliminate taxes on investment income and replace them with a sales tax.

I expect theorists of public reason to grant that (D1) and (D2) qualify as public reasons. (Whether they are true is another question, not relevant here.) But for the demonstration of the second horn of the dilemma to work, *any* public reasons for the conclusion (D3) will do.

One might object that this argument does not have the form of a public justification for the tax policy, because, one might hold, the conclusion of a public justification is not a proposition like (D3), but rather a proposition about what all reasonable citizens can accept, or a proposition about the laws or policies that public reasons support, or some such. I address this objection below. I ask the reader, in the meantime, to continue following the logic of the argument on the temporary assumption that (D1)-(D3) is a valid public justification. The response to the objection refers back to this logic.

The logical implications of (D3) are:

(D4) Thus, (C3) is false.

(D5) Thus, either (C1) or (C2) is false.

In other words, there are public reasons for concluding that either the comprehensive doctrine—as expressed by (C1)—is false or the auxiliary premise,

which, by hypothesis, some utilitarians have strong reasons to believe, is false.

The implication is that there are in effect public reasons for concluding that the comprehensive doctrine is false. That is, one can offer reasonable utilitarians public reasons for preserving the tax on capital, and these reasons are also in effect reasons for them to conclude that their reasonable comprehensive doctrine is false. In that respect, the claim that either (C1) or (C2) is false is like the claim that either it is false that God exists, or it is false that thousands of people die in natural disasters each year.

It may be possible to put this point more strongly. The reasons for believing (C2)—which, by hypothesis, are good reasons, in the ordinary, non-political sense of ‘good reasons’—may also be public reasons. An auxiliary premise like (C2) can be assessed independently of the truth of any comprehensive doctrine, and the reasons for accepting it may be public reasons that all can share. In that case, we can add another premise to the preceding argument without running afoul of the strictures of public reason:

(D6) (C2) is true.

From (D1), . . . , (D6), we get the conclusion:

(D7) Thus, (C1) is false.

That sharpens the second horn of the dilemma: there are public reasons—(D1), (D2), and (C2)—for concluding that utilitarianism is false. Thus, there are public reasons that compel some citizens to reject their reasonable comprehensive doctrine.

4. I assumed that public reason's prohibition on the use of (C1) in political justification was not redundant on ordinary, non-political norms of argument and took the argument (C1), (C2), (C3) as an example illustrating its non-redundancy. That led to the second horn of the dilemma: there are public reasons that are in effect reasons for concluding that the comprehensive doctrine expressed by (C1) is false. Accepting these reasons in effect compels one to abandon (C1), which, by hypothesis, expresses a reasonable comprehensive doctrine.

I used utilitarianism as an example, but there is obviously nothing special about this choice. The same dilemma will arise in the case of any other reasonable comprehensive doctrine.

Take any law about which reasonable people can disagree and which can be defended or attacked by appeal to public reasons, *e.g.*, a law determining the balance of taxes on capital and consumption.

Take any reasonable comprehensive doctrine.

One possibility is that the proscription against its use in justifications is redundant on ordinary, apolitical norms of argument, because every argument in which the doctrine appears as a premise is either a non sequitur or involves an auxiliary premise that the adherents of the doctrine have no reason to accept anyway. This possibility marks the first horn of the dilemma.

We can avoid this outcome only if we produce an argument in which the given reasonable comprehensive doctrine appears as a premise and the other premises are all premises that at least some of the doctrines' adherents have good reasons to accept, and which derives by valid steps a conclusion about the law in question. But then, by hypothesis, we can produce public reasons

for rejecting the conclusion of this argument, because, by hypothesis, the conclusion (*e.g.*, about the proper mix of taxes on capital and consumption) is one about which reasonable people can disagree and which they can defend or criticize with public reasons.

Now, the public reasons for rejecting the conclusion of this argument will be reasons for rejecting one of its premises—after all, it is a valid argument. And yet, by hypothesis, (at least some of) the adherents of the comprehensive doctrine have good reasons to accept all of the ‘auxiliary’ premises, so these public reasons are for them in effect reasons to reject the remaining premise, *i.e.*, the statement of their reasonable comprehensive doctrine.

I consider the implications of the dilemma for theories of public reason below. First I anticipate a few objections.

5. No doubt there are some accounts of public reason for which dilemma does not arise. But, judging by experience, the reader is more likely to err in the other direction, wrongly concluding that the dilemma would not arise if only one took into account this or that feature of the most defensible interpretation of public reason. Here are a few objections along these lines.

First objection: “public justification does not aim at truth.”

A political conception of justice, Rawls claimed, “does without the concept of truth.”¹² Perhaps the argument (D1)-(D3) does not have the right form of a public justification, because a public justification of a law aims, not at

12. Rawls, *Political Liberalism*, p. 94. See Joshua Cohen, “Truth and Public Reason,” *Philosophy & Public Affairs* 37 (2009): 2–42, for a discussion of the issue and an account of a “political” conception of truth.

a conclusion that some proposition about the law is true, but rather at a conclusion that all reasonable people can accept some proposition about the law. For example, perhaps public justifications are supposed to look like the following:

- (E1) All reasonable people can accept that the state should not adopt policies that reduce the economic prospects of the least advantaged.
- (E2) All reasonable people can accept that eliminating taxes on investment income and replacing them with a sales tax would reduce the economic prospects of the least advantaged.
- (E3) Thus, all reasonable people can accept that the state should not eliminate taxes on investment income and replace them with a sales tax.

The conclusion of a public justification, so the thought might go, is the claim that a proposition like (C3) can or cannot be accepted by all reasonable people, not a conclusion that (C3) is true or false.¹³

If this is right, then one might think the second horn of the dilemma can be avoided because (E3), unlike (D3), is compatible with (C3). If one asserts (D3), one indirectly claims that either (C1) or (C2) is false, betraying the professed neutrality among reasonable comprehensive doctrines and falling on the second horn of the dilemma; but if one asserts (E3), one does not take any stand on (C3) or the comprehensive doctrines that are connected to it via auxiliary premises like (C2). So if public justifications aim at conclusions

13. Note that the conclusion (E3) only follows if one assumes the operator *all reasonable people can accept that* is closed under logical entailment. See below.

like (E3), then, one might conjecture, they will not directly or indirectly contradict any reasonable comprehensive doctrine.

Assume this account of public justification is right. We must still posit the existence of an argument like (C1)-(C3) in order to avoid the first horn of the dilemma. If every purported justification appealing to comprehensive doctrines involved either a non sequitur, like (A1)-(A2), or an auxiliary premise that the adherents of the doctrine have no reasons to accept, like (B1)-(B3), then the claim that these arguments fail to establish conclusions about what all reasonable people can accept is redundant as an explanation for why they fail as justifications of the use of coercive force. It is redundant on the simpler, less controversial explanation that they are non sequiturs or depend on premises one has no good reasons to accept.

So let us assume the existence of an argument like (C1)-(C3) to avoid the redundancy conclusion. And now suppose we have a public justification like the argument (E1)-(E3). Its conclusion, (E3), is logically compatible with (C3). But what do (E1) and (E2) assert? That (D1) and (D2) are public reasons. And (D1) and (D2) are, as explained above, in effect reasons for concluding that (C1) is false. Thus we still arrive at the conclusion that there are public reasons that are also in effect reasons for concluding that a reasonable comprehensive doctrine is false.

Now, one might respond that this result only indicates that we have not yet gotten the form of the public justification right. One might insist that correctly expressed, a public justification for the tax policy is not going to imply anything—neither its conclusion nor the public reasons to which it alludes will imply anything—about whether the tax policy is truly just,

or whether it truly ought to be adopted, or, more generally, whether p is true, where p is the kind of proposition one could derive from a reasonable comprehensive doctrine together with auxiliary premises.

No doubt there is some way to characterize the correct form of a public justification so that the second horn of the dilemma is avoided. As explained at the outset, the goal is not to show that every version of the theory of public reason is caught in an inescapable dilemma. The goal is to use the dilemma to illuminate unappreciated and interesting features of the theories of public reason satisfying the given assumptions. One such unappreciated and interesting feature is that if public justifications take the form (D1)-(D3) or (E1)-(E3), and public reason is not redundant in the manner specified, then some public reasons are in effect reasons for concluding that a reasonable comprehensive doctrine is false.

Here is another interesting and unappreciated consequence with a similar flavor. Let us make the reasonable assumption that the operator *all reasonable people can accept that* is closed under logical entailment. That is, if all reasonable people can accept a proposition p , and p logically entails q , then all reasonable people can accept q . (This assumption is already implicit in the argument (E1)-(E3), for why else would (E3) be thought to follow from (E1) and (E2)?) Given closure, (E3) entails:

(E4) All reasonable people can accept that either (C1) or (C2) is false.

To see why, observe that the proposition (D3) entails not-(C3), which entails [either not-(C1) or not-(C2)]. And so, by the closure property, if all all reasonable people can accept (D3), as (E3) asserts, then all reasonable people

can accept [either not-(C1) or not-(C2)], as (E4) asserts.

This result would appear to be no less awkward than the conclusion that there are public reasons for concluding in effect that a reasonable comprehensive doctrine is false. It is like concluding that all reasonable theists can accept that either there is no God, or thousands of innocent people do not die horrible deaths in natural disasters each year.

This observation can be generalized further to different views about the correct form of a public justification. For example, suppose that the conclusion of a public justification is a proposition of the form $\phi(p)$, where ϕ is an operator closed under logical entailment and p is a proposition about the desirability or permissibility of a coercive measure. Suppose, to avoid redundancy, that not- p is logically entailed by a reasonable comprehensive doctrine together with an auxiliary premise that some of the doctrine's adherents have good reason to believe. Then $\phi(q)$ follows, where q refers to the proposition that either this doctrine or this auxiliary premise is false. The question is then be whether this conclusion is inconsistent with the value judgments motivating the theory of public reason—is it like the conclusion that there are public reasons for holding that either there is no God or thousands of people do not die in natural disasters each year?

Second objection: non-redundancy implies something else

One might object to the assumption that (C1) expresses a reasonable comprehensive doctrine, not because it refers to utilitarianism, but rather because it seems to express an unreasonable thought about the conditions sufficient for the justification of the state's use of coercive power. What illustrates

the non-redundancy of public reason, one might object, is not an argument like (C1)-(C3)—which does not appeal to a reasonable moral doctrine—but rather an argument like the following:

- (F1) The state ought to adopt whichever tax policy is best (i.e., truly best, best according to the true moral doctrine).
- (F2) Utilitarianism is the true moral doctrine, i.e., a tax measure is best if and only if it maximizes aggregate utility.
- (F3) Eliminating taxes on investment income and replacing them with a sales tax would maximize aggregate utility.
- (F4) Thus, eliminating taxes on investment income and replacing them with a sales tax is the best tax policy.
- (F5) Thus, the state ought to eliminate taxes on investment income and replace them with a sales tax.

Here, the suppositions made to avoid the redundancy verdict are that (F2) expresses a reasonable comprehensive doctrine, and that adherents of this doctrine have good reasons to affirm (F3). Theories of public reason reject premise (F1), of course. They claim instead that the state ought not adopt any policy that cannot be justified with public reasons, because such exercises of coercive power are illegitimate. If one does not accept this thesis and instead allows (F1), then the argument might very well pass muster by ordinary standards of argument, depending on what one can say in favor of premise (F2). Public reason is therefore not redundant on these standards.¹⁴

14. Alternatively, one might contend that public reason's requirement is "redundant"

Now it looks like there is a way out of the dilemma. For when we consider an argument like (D1)-(D3), which derives the negation of (F5) from public reasons, the conclusion is merely that either (F1), (F2), or (F3) is false. And so the adherent of the doctrine expressed by (F2) is not forced to reject either her comprehensive doctrine or an auxiliary premise that she has good reason to affirm (in this case, (F3)). She can, and should, reject instead the false premise about what justifies the state's exercise of coercive power, namely (F1).

We cannot yet be sure that this reply avoids the second horn of the dilemma. I will demonstrate why we cannot be sure by showing that the reply fails under a plausible assumption about theories of public reason. The assumption is that they affirm an instance of the following schema:

PR schema. The state ought to adopt a coercive measure if and only if the measure satisfies condition C , provided one can show it satisfies condition C with public reasons.

Here is one possible instance of the schema: the state ought to adopt a coercive measure if and only if the measure is best among the feasible options, provided one can show it is best with public reasons. Here is another: the state ought to adopt a coercive measure if and only if the measure is required

on ordinary norms of argument only in the unobjectionable sense that it is an extension of these norms. For one might argue that ordinary norms of argument allow one to reject this argument on the grounds that there is no good reason to believe the premise (F1). In other words, one might plausibly contend that the public reason requirement is just an application of this ordinary norm to questions about the state's exercise of coercive power. Cf. David Estlund's explanation for why a public reason requirement ("qualified acceptability requirement," in his terminology) is compatible with holding that justifications of the state's exercise of power should aim at the truth (they should aim at truths about which exercises of power are legitimate), in *Democratic Authority*, 49–52.

by justice, provided one can show it it is required by justice with public reasons.

The PR schema describes alternatives to premise (F1). For example, a public reason liberal might respond to the utilitarian, “No, (F1) is false. What is true is that if a tax policy is best and one can show it is best by appealing to public reasons, then the state ought to adopt it.” This view is not redundant on ordinary norms of argument, as explained.

I claim that a version of the dilemma still arises. Is the *proviso* in the PR schema redundant on ordinary norms of argument? Suppose that appeals to utilitarianism, like (F2), never help to show that a measure satisfies condition *C*. That is, one cannot find any valid arguments which start from (F2), then add auxiliary premises, like (F3), which adherents of the doctrine have good reason to affirm, and derive conclusions, like (F4), about how a measure satisfies the relevant condition (e.g., optimality). In that case, excluding appeals to utilitarianism, as the proviso does, would be redundant on ordinary norms of argument. *There would be no need to refer to public reasons at all.* One could replace the PR schema with the simpler schema: the state ought to adopt a coercive measure if and only if the measure satisfies condition *C*. Thus, to avoid redundancy, we have to posit the existence of an argument of the form:

(H1) Utilitarianism is the true account of when coercive measures by the state satisfy condition *C* (e.g., are optimal), i.e., a coercive measure satisfies condition *C* if and only if it maximizes aggregate utility.

(H2) Eliminating taxes on investment income and replacing them with a

sales tax would maximize aggregate utility.

(H3) Thus, eliminating taxes on investment income and replacing them with a sales tax satisfy condition *C*.

In order to avoid redundancy, let us assume that adherents of utilitarianism have good reason to affirm (H2).

But now suppose one can show, with public reasons, that the tax measure does *not* satisfy condition *C*. Then these public reasons are reasons for concluding that (H3) is false. Thus, they are reasons for concluding that either (H1) or (H2) is false. Adherents of the reasonable comprehensive doctrine have, by stipulation, good reasons to believe (H2). Thus, these public reasons are in effect reasons for concluding that the reasonable comprehensive doctrine is false.

Third objection: the argument imports a conception of having a reason that theories of public reason reject.

I have in mind the objection to the claim, or the use of the claim, that the utilitarian has a good reason to believe the auxiliary premise about the effects of eliminating taxes on capital.

This claim enters at two stages of the argument. In describing the dilemma's first horn, I argued that we must be able to find a valid argument in which a comprehensive doctrine figures as a premise together with auxiliary premises that adherents of the doctrine have good reason to believe, else the requirements of public reason will be redundant on ordinary rules of argument. We do not need to invoke public reason to explain why (B1)-(B3)

fails. The claim then enters again when describing the second horn, for it figures in the definition of what it is to have reasons that are in effect reasons to conclude that a reasonable comprehensive doctrine is false. One has such reasons just in case one has reasons to conclude that either the doctrine or another proposition, which one has good reason to believe, is false.

At the first stage, the sense in which the doctrine's adherent must have a good reason to believe the auxiliary premise *should be* intelligible independently of the theory of public reason. The whole point of referring to such a reason is that the argument (B1)-(B3), which rests on the assumption that spending all tax revenue on parades would maximize aggregate utility, can be rejected as a bad argument, on grounds that are intelligible independently of the theory of public reason. And it should be clear that positing such reasons does not beg any questions against the theory of public reason. It is not claimed that these reasons justify exercises of coercive power, nor are we imagining the adherent of the reasonable comprehensive doctrine treating them as such. They are merely posited as reasons justifying personal belief in a proposition, which public reason theorists can of course recognize.¹⁵ Note, moreover, that nothing in the argument depends on whether these references to reasons for belief are interpreted as references to reasons in an "objective" or "subjective" sense.¹⁶

A related observation is that the argument does not employ the assump-

15. Indeed, such theories take the plausibility of a distinction between reasons of this kind and reasons justifying exercises of coercive power as a point of departure, e.g., Gerald Gaus, *Justificatory Liberalism* (Oxford: Oxford University Press, 1996), 154–156; Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy & Public Affairs* 16 (1987): 215–240.

16. E.g., a distinction like Mark Schroeder's between objective and subjective senses of reason; Mark Schroeder, "Having Reasons," *Philosophical Studies* 139 (2008): 57–71.

tion that the utilitarian's belief in (C3) (the conclusion about which tax policy that should be adopted) is justified, or that the utilitarian has reasons to believe (C3). Arguably, public reason theorists can acknowledge the possibility of being "personally" but not "publicly" justified in holding a view like that expressed by (C3).¹⁷ But the argument does not require this. All that is posited is a good reason to believe the auxiliary premise, which is a proposition about the effects of a tax policy, not about the permissibility or desirability of the tax policy; whether the utilitarian also has good reason to believe the conclusion (C3) is irrelevant to the argument.

What about the second stage at which this sense of having a reason is invoked? Is it a problem that we are there not referring to the same technical sense of having a reason as operates in theories of public reason? No. What we are doing at the second stage is establishing that there are claims (e.g., (D1) and (D2)) that satisfy two conditions: (1) they are public reasons, i.e., considerations to which citizens are (sometimes) to appeal when justifying (certain) laws and policies, and (2) they are in effect reasons, in the sense that is intelligible independently of the theory of public reason, for concluding that a comprehensive doctrine is false. In other words, we are trying to establish the existence of propositions that count as reasons in two distinct, but compatible senses. And, as just explained, public reason theorists do not deny the intelligibility and validity of the second of the two senses.

Thus, establishing the dilemma—the disjunction between redundancy

17. See Stephen Wall, "On Justificatory Liberalism," *Politics, Philosophy & Economics* 9 (2010), 126.

and the existence of such reasons—does not require any assumptions about reasons that public reason theorists would have grounds to reject.

6. Suppose we opt to fall on the first horn of dilemma: we concede that the only arguments running afoul of the strictures of public reason are arguments that should be rejected anyway, on grounds having nothing to do with notions of legitimacy, reasonable pluralism, respect for citizens as free and equal, etc. How costly is this concession for political liberals?

In one sense, not very costly at all. One can fall on the first horn of the dilemma but still hold that the exercise of coercive authority is never successfully justified by appeal to sectarian religious, moral, or metaphysical doctrines. Indeed, not only *can* one do this, but falling on the first horn of the dilemma is *equivalent* to doing this. If the ideal of public reason is redundant on ordinary, ‘apolitical’ standards of argument, then any justification that political liberals would reject because it does not appeal to public reasons can be rejected on other grounds. That is just what redundancy means.

Moreover, falling on the first horn of the dilemma is consistent with a refusal to adopt positions on the truth of reasonable comprehensive doctrines when justifying the state’s use of coercive authority. If public reason is redundant in the manner described, then the exercise of coercive authority is never successfully justified by appeal to sectarian religious or metaphysical doctrines, whether or not these doctrines are true.

If the redundancy thesis is correct, then it’s unclear why we should continue talking about the theory of public reason, a consequence that would strike some people as a cost. But, then again, it is intelligible to hold that

normative requirements are significant and should be acknowledged even when they are redundant on other requirements.

The real reason to describe redundancy as a horn to a dilemma is not that its consequences would be costly for political liberals, but rather that it seems implausible that public reason's requirements would be redundant. And the possibility is expressly rejected by public reason theorists. Andrew Lister writes,

There is no need to exclude answers [to the question how distant the earth is from the sun] because they are, in truth, politically irrelevant. The same cannot be said for questions such as whether God exists, whether there is such a thing as sin, or in what way life is sacred. Were it not for the fact of deep reasonable disagreement and the principle of public reason, how one answers such questions would naturally affect one's political positions.¹⁸

Rawls's motivation for developing the theory of public reason and political liberalism was the thought that although *Kantian metaphysics, together with auxiliary premises that there were good reasons to believe, supported conclusions about justice*, not all reasonable people could be expected to accept Kantian metaphysics. "From within [Kant's moral philosophy with its ideal of autonomy], or within a view sufficiently similar to it, the political conception with its principles of justice and their appropriate priority, can, let us say, be derived."¹⁹ Rawls at one point claimed, more generally, that the "fundamental concepts, principles, and virtues of the political conception are

18. Lister, *Public Reason and Political Community*, 16.

19. Rawls, *Political Liberalism*, 169.

theorems, as it were, of [reasonable citizens'] comprehensive views."²⁰ The requirement that the political conception of justice admit a justification that does not appeal to these comprehensive doctrines is not redundant precisely because its claims about justice could be derived, as "theorems," from comprehensive doctrines.

If public reason's requirements are not redundant, then we must concede the second horn of the dilemma. How costly is this concession for theories of public reason? Rawls characterized one of the aims of political liberalism as finding "a reasonable public basis of justification on fundamental political questions," which would be "impartial... between the points of view of reasonable comprehensive doctrines."²¹ The second horn of the dilemma is plausibly interpreted as the conclusion that this aim cannot be achieved. If one can produce public reasons that are in effect reasons for concluding that some reasonable comprehensive doctrine is false, then how could one still characterize these public reasons as "impartial... between the points of view of reasonable comprehensive doctrines"?

This concession would not be equally costly for all theories of public reason. On some versions of the theory, public reasons do not need to be shared in common. What is necessary, on some views, is merely that laws can be justified to each citizen by what are, *for her*, good reasons, and not that laws can be justified to each citizen by what are the *same* good reasons *for everyone*. For example, Kevin Vallier defends the view that public reasons need not be "accessible" to, nor shared by, all members of

20. Rawls, *Justice as Fairness*, 33, my emphasis.

21. Rawls, *Political Liberalism*, xxi.

the public.²² It should suffice if they are merely “intelligible” to all, in that other members of the public can see one’s reasons for supporting a law as reasons according to *one’s own* evaluative standards (rather than according to *common* evaluative standards).²³ The intelligibility requirement is not meant or expected to block religious reasons. On this view, the claim that there exist public reasons that are also in effect reasons for concluding that a reasonable comprehensive doctrine is false should be neither surprising nor troubling. If religious reasons can be public reasons, then of course one person’s religious reasons will often be (in the sense stipulated here) reasons for concluding in effect that other religious doctrines are false.

But for more familiar versions of the theory, which *do* seek to exclude religious reasons from the class of public reasons, and which do envision public reasons as shared common ground, the second horn of the dilemma should be more troubling. Imagine someone offering valid arguments for atheism, and then using atheism as a premise in further arguments about abortion policy. What about this line of argument offends against the values underlying the commitment to public reason? The answer, I take it, is of the form, “The person is appealing, at bottom, to claims that are reasons for concluding that reasonable systems of religious belief are false. *As such*, these claims . . . [fill in here, however one likes, the property which these claims can therefore be seen to possess and which disqualifies them as legitimate

22. Gerald Gaus also develops a theory of public reason according to which what is necessary is not that laws be justified by appeal to reasons that all members of the public share in common, but only that each member of the public have (her own) reasons to endorse them. Gaus, *The Order of Public Reason* (Cambridge: Cambridge University Press, 2011). Vallier’s view suits my purposes here more neatly.

23. Vallier, ‘Against Public Reason’s Accessibility Requirement,’ pp. 388, 389.

public reasons].” The blank might be filled in with “. . . are unacceptable to reasonable citizens who, owing to the burdens of judgment, affirm reasonable systems of religious belief.” Or perhaps with “. . . would only be offered by someone who fails to recognize the burdens of judgment and the importance of justifying laws to each person as a free and equal citizen.” Or perhaps in some other way. What matters is that the most plausible explanations for why such a person has violated the requirements of public reason will all refer to the fact (referenced by *as such*) that the claims offered are reasons for concluding that reasonable systems of religious belief are false. But if that is so, then surely it should also offend against the same values when someone offers reasons that are *in effect* reasons for concluding the same, e.g., reasons for concluding that either there is no God, or thousands of people do not suffer horrible deaths in natural disasters each year. But the second horn of the dilemma asserts that some public reasons have this offensive property.

References

- Bohman, James, and Henry S. Richardson. “Liberalism, deliberative democracy, and ‘reasons that all can accept’.” *Journal of Political Philosophy* 17, no. 3 (2009): 253–274.
- Caney, Simon. “Liberal Legitimacy, Reasonable Disagreement and Justice.” *Critical Review of International Social and Political Philosophy* 1 (1998): 19–36.

- Cohen, Joshua. "Truth in Public Reason." *Philosophy & Public Affairs* 37 (2009): 2–42.
- Enoch, David. "Against Public Reason." In *Oxford Studies in Political Philosophy*, edited by David Sobel, Peter Vallentyne, and Stephen Wall. Vol. 1. Oxford: Oxford University Press, 2015.
- Estlund, David M. *Democratic Authority*. Princeton, NJ: Princeton University Press, 2008.
- Gaus, Gerald. *Justificatory Liberalism*. Oxford: Oxford University Press, 1996.
- . *The Order of Public Reason: a theory of freedom and morality in a diverse and bounded world*. Cambridge: Cambridge University Press, 2011.
- Lister, Andrew. *Public Reason and Political Community*. London: Bloomsbury, 2013.
- Nagel, Thomas. "Moral Conflict and Political Legitimacy." *Philosophy & Public Affairs* 16 (1987): 215–240.
- Quong, Jonathan. *Liberalism Without Perfection*. Oxford: Oxford University Press, 2011.
- Rawls, John. *Justice as Fairness: A Restatement*. Cambridge, MA: Belknap Press of Harvard University Press, 2001.
- . *Political Liberalism*. New York: Columbia University Press, 1993.

Sandel, Michael J. "Political Liberalism." *Harvard Law Review* 107 (1993): 1765.

Schroeder, Mark. "Having Reasons." *Philosophical Studies* 139, no. 1 (2008): 57–71.

Vallier, Kevin. "Against Public Reason Liberalism's Accessibility Requirement." *Journal of Moral Philosophy* 8, no. 3 (2011): 366–389.

Wall, Stephen. "On Justificatory Liberalism." *Politics, Philosophy & Economics* 9 (2010): 123–149.