

Patterns of justification: on political liberalism and the primacy of public justification

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Abstract: The discussion develops the view that public justification in Rawls's political liberalism, in one of its roles, is actualist in fully enfranchising actual reasonable citizens and fundamental in political liberalism's order of justification. I anchor this reading in the political role Rawls accords to general reflective equilibrium, and examine in its light the relationship between public justification, pro tanto justification, political values, full justification, the wide view of public political culture and salient public reason intuitions. This leaves us with the question of how a more plausible, post-Rawlsian political liberalism should understand the commitment to discursive respect and robust discursive equality that is reflected in its view of actualist and fundamental public justification.

Keywords: public justification; reflective equilibrium; *pro tanto* justification, full justification, original position, political liberalism

Introduction

This discussion develops a reading of public justification in Rawls's political liberalism (Rawls 2001; 2005) according to which public justification, in one of its roles, is *actualist* and *fundamental*. It is actualist in relation to its constituency: public justification, in one of its roles, includes within its constituency on fully enfranchised footing *actual* reasonable citizens. And it is fundamental in relation to the role of public justification in political liberalism's order of justification: for Rawls, conceptions of political justice, including *Justice as Fairness* (henceforth JF), are reasonable in the first place just in case they are equally acceptable coherently by all actual reasonable citizens. Both features come together in Rawls's view of the political role of general reflective equilibrium, and this is the view the reading developed here puts centre stage. Elsewhere, I refer to this reading as the 'deep view' of public justification in political liberalism.¹

¹ I outline the deep view in Besch 2020, 2012, 2004 and 1998. The current discussion is in tandem with Besch 2020, where I contrast actualist and fundamental public justification with Quong's 'internal' conception of political liberalism (Quong 2011) and examine whether Larmore's form of actualist public justification (Larmore 2015) can accommodate a key objection to political liberalism's view of political legitimacy (see also sections 3 and 6, below). This puts center stage the question of what view of discursive respect and discursive equality public justification should adopt. On discursive respect and discursive equality: see Besch 2014 and 2019. That reflective equilibrium has an important *political* role in political liberalism has been observed before: see Laden 2014; Lister 2008; Nielsen 1994. Early accounts of Rawls's political turn sometimes interpret public justification in political

To develop this view, I reconstruct in its light the relationship between public justification, *pro tanto* justification, and full justification. I also consider how the constraints of public reason—as they spring from its defining aim, public justification—relate to Rawls’s wide view of public political culture and salient public reason intuitions. My focus is on how actualist and fundamental public justification structurally integrates these ideas, and how Rawls compresses into this structure a substantive commitment to liberal political values. It is (mostly) this commitment that indexes Rawls’s view of domestic justice to the standpoint of citizens who are reasonable in a problematically substantive sense—which invites familiar concerns about its lack of inclusiveness. This leaves us with a question that is essential for an attempt to salvage Rawls’s approach: how should a more plausible, and perhaps more inclusive political liberalism construe the commitment to discursive respect and robust discursive equality that is reflected in its view of actualist and fundamental public justification?

My discussion proceeds as follows. I first provide some needed background before addressing the political role of (general) reflective equilibrium in Rawls’s political liberalism, and the relation of this to JF’s Original Position. I then discuss the ideas of *pro tanto* justification, completeness, and the nature of political values; full justification and its role in actualist and fundamental public justification; the constraints of public reason and Rawls’s wide view of public political culture and salient public reason intuitions.

Preliminaries

I start with the idea of public justification. To say that a political thing, ϕ (for instance, exercises of political power, political principles, or conceptions of political justice), is publicly justifiable is to say, roughly, that ϕ is authoritatively acceptable by relevant people—alternatively, it is to say that ϕ is justifiable by public reasons, that is, reasons that are so acceptable. Rawls employs an idea of public justification at different levels of argument, including one level that is fundamental in political liberalism’s order of justification (or so I claim).² At this level, public justification seeks equal acceptability by actual reasonable citizens (again, or so I claim). And it is *robustly* public (Postema 1995): ϕ ’s equal acceptability by relevant people *constitutes* ϕ ’s reasonableness. This makes political liberalism *constructivist* in a weak, justificatory sense (Ronzoni 2010; Besch 2004: section I.1).

In political liberalism, robustly public justification models a demanding form of equal respect. It respects reasonable citizens as equals not only in relation to the content of justice, but also in relation to the *justification* of that content: in taking equal acceptability by such citizens to constitute the reasonableness of salient political things, political liberalism respects these citizens as equal *authorities* or *co-authors* of public justification (Forst 2017a: 134; 2017b). In different terms, it extends them equal discursive respect, or models their robust discursive equality (Besch 2019).

Next, political liberalism extends discursive respect to *reasonable* citizens, but there is little consensus in the field about the content of this idea. For now, only two things matter. First,

liberalism in actualist terms: see Hampton 1989; 1993; Campos 1994; Forst 1994; Gaus 1999; Mulhall and Swift 1999; Estlund 1998.

² This refers to the order of justification as *political liberalism* sees that order; but what it sees as fundamental in that order may not be what it *should* see as fundamental in that order. I am indebted to an anonymous reviewer for reasons to highlight this distinction.

Rawls uses a notion of reasonableness at different levels of argument and builds different content into it at different levels (Besch 2012, and 1998: chapter III). For instance, at JF's second stage, 'reasonable' citizens accept JF's substantive principles of justice (see below). But Rawls holds, as well, that JF can be reasonable in the first place only if it is suitably acceptable by 'us', that is, from the standpoint of actual *reasonable* citizens (see below)—and here, reasonableness has different content. What matters now is reasonableness only in this more fundamental, *politically basic* sense (Besch 2012).

I shall assume here that citizens who are reasonable in Rawls's politically basic sense can accept, or at least are not committed to reject, political liberalism's most important political values.³ This entails that reasonable people can accept, or at least are not committed to reject, the view that a conception of justice for the domain of the political of a Western democratic regime should take the form of a political liberalism. A conception of justice, ϕ , to take this form, must be *liberal* in content and *political* in scope of application and form of justification. ϕ is liberal in content only if ϕ prescribes that citizens be allocated rights, liberties and opportunities of special priority and all-purpose means to make use of these things. ϕ is political in scope of application only if ϕ regulates the basic structure of a given society only, or its domain of the political. ϕ is political in form of justification only if ϕ does two things. First, ϕ holds that equal acceptability by reasonable citizens justifies politically. And second, ϕ holds that salient political things fail to meet this equal acceptability standard if some reasonable citizens actually disagree reasonably about these political things—hence: ϕ attaches a 'populist' (Gaus 1996: 130f) interpretation to that standard such that justification by that standard accords reasonable citizens a high degree of discursive influence in justification, or 'high-purchase' discursive standing (Besch 2019).

Thus, reasonable people are able to accept a selective set of views about how a Western democratic regime should be regulated. As has often been observed, then, reasonableness here requires much more than reasonability, or reasonability plus morality. Epistemically reasonable citizens in good moral standing may or may not be reasonable in Rawls's sense. Accordingly, Rawls's political liberalism from the ground up invites concerns about its inclusiveness (Hampton 1989; Friedmann 2000).

I noted earlier that Rawls employs public justification and reasonableness at different levels of argument. It is hence instructive to consider the structure of his political liberalism.⁴ On the reading developed here, Rawls's political liberalism centres around two questions. First, should the basic structure of a Western liberal democracy be regulated on the basis of a political and liberal conception of political justice, or some other kind of conception? Second, if it should be regulated on the basis of a political liberalism, what variant of political liberalism should be adopted? Rawls answers the first, more fundamental question in favour of political liberalism: in his view, only a political liberalism, if anything, is equally acceptable by all actual reasonable citizens, and as such can provide a reasonable basis for political legitimacy. And here, he implicates the idea of public justification referred to earlier and puts to work his politically basic idea of the reasonable. My present discussion considers only the role of equal acceptability by

³ I develop this reading of reasonableness in political liberalism in Besch 1998, 2004 and 2012; see also section 4, below.

⁴ I elaborate more on the matters discussed in the next two paragraphs in Besch 1998: chapter III, and Besch 2020.

reasonable citizens at this level of argument—a level that is fundamental in political liberalism’s order of justification.

In order to answer the second question just referred to, Rawls presents JF as one variant of political liberalism. JF itself has two stages of argument. At a first stage, S1, Rawls suggests that reasonable citizens, if they were to reasonably and rationally choose principles of basic justice, would adopt JF’s principles and values (Rawls 2001: 80-134). At a second stage of argument, S2, Rawls engages the issue of stability, amongst other things. He defines an ideal of a good citizen—construed as a reasonable (and rational) citizen who accepts JF’s principles and values—and argues that a society of such citizens that is well-ordered by JF would be stable (Rawls 2005: 11f, 16f, 22-28, 66-82, 94, 97f; Rawls 2001: 8f, 26-29, 116f). Rawls here uses a non-basic idea of the reasonable to articulate a non-fundamental idea of public justification. The reasonable citizens of JF’s well-ordered society are to use JF as a public basis of justification in order to apply JF’s principles to matters of basic justice. The question that this idea of public justification helps to address is whether JF could contribute to the stability of a political order under the conditions that JF’s principles prescribe.

The conceptualization of public justification at S2 is distinctive for its role at this stage of argument. Public justification here is a hypothetical justification that supposes the hypothetical environment of JF’s well-ordered society; it fully enfranchises only the hypothetically reasonable and rational citizens of that society; and it is conception-applying in that it applies JF’s contents to salient matters of justice—contents, that is, that these reasonable and rational citizens already endorse. Thus, public justification here is *ideal* justification: it includes in its constituency only the hypothetical reasonable citizens of that hypothetical well-ordered society, and it proceeds on the basis of the principles and values of the conception of political justice that these citizens share. Accordingly, it is *conception-applying*, or *lower-order* in the order of justification, in that it applies a given, putatively reasonable conception of political justice to relevant matters.

Current discussions often construe public justification broadly along the lines of Rawls’s conceptualization of public justification at S2, the second stage of argument just referred to, as a form of justification that applies a (putatively) reasonable conception of justice to political matters, and that includes in its constituency either no actual citizens at all, or only reasonable citizens who are assumed to already share a conception of justice and its values as reasonable.⁵ But what makes a political and liberal conception of justice reasonable to begin with? It is here where a more fundamental, actualist idea of public justification does its work. I now turn to this.

Reflective equilibrium

To draw out Rawls’s commitment to an actualist and fundamental form of public justification, let me consider the political role of his criterion of reflective equilibrium (CRE).⁶

CRE roughly takes the following form (for a conception of political justice, ϕ , and a set of convictions, S):

CRE ϕ is in reflective equilibrium with a set of convictions, S , only if ϕ coheres with S , each member of S is well-considered, and S is internally coherent.⁷

⁵ For example, consider the approaches surveyed in Lister 2017.

⁶ Below, I draw on a reading of this role outlined in more detail in the texts referred to in fn. 3.

⁷ See Rawls 2005: 8, 28, 45.

From what standpoint, or doxastic perspective, must reflective equilibrium be sought? Rawls distinguishes three candidate standpoints, namely, ‘that of the parties in the original position, that of citizens in a well-ordered society, and finally, that of ourselves—of you and me who are elaborating justice as fairness and examining it as a political conception of justice’ (Rawls 2005: 28). And he prioritizes the standpoint of ‘you and me’, *actual* people in the *actual* world.⁸ For Rawls, any conception of political justice, ‘to be acceptable, must accord with *our* considered convictions, at all levels of generality, on due reflection, or in what I have called elsewhere “reflective equilibrium”’ (Ibid: 8; my emphasis). Accordingly, any such conception must articulate, and cohere with, ‘*our*’ considered convictions, and ‘[*w*]e decide whether the whole conception is acceptable by seeing whether *we* can endorse it upon due reflection’ (Ibid: 94; my emphasis). The test of reflective equilibrium hence tests how well a conception of political justice ‘articulates *our* more firm considered convictions of political justice, at all levels of generality, after due examination’, while a conception ‘that meets this criterion’ is the one that is reasonable, or most reasonable, ‘for *us*’ (Ibid: 28; my emphasis).

Next, Rawls premises CRE on the standpoint of actual people, but he supposes that these people are *reasonable*. Rawls, we may assume, takes his own conception of justice, JF, to stand some chance to satisfy CRE. But if the group of actual people for whom JF must meet CRE includes on equal footing people who *cannot* coherently accept political liberalism’s most important political values—that is, political liberalism’s *unreasonable* people—CRE would from the outset *disqualify* JF. Hence, this group can include on equal footing only people who *can* coherently accept these values, namely, political liberalism’s *reasonable* citizens. Rawls assumes that there are such people and that he and (some of) his readers qualify.

But if the reflective equilibria of actual reasonable citizens count, they count *equally*. *Each* reasonable citizen must be able to coherently accept ϕ in a manner that meets CRE for CRE to be suitably acceptable by all such citizens. This suggests: the reasonableness of a conception of political justice here becomes a function of its ability to attain general reflective equilibrium (Rawls 2001: 31)—or to be equally acceptable coherently by all actual reasonable citizens.⁹ To bring this back to public justification, I assume that, in the present context, the view that a relevant political thing (such as a conception of political justice) depends for a relevant political merit (such as its reasonableness) on its equal acceptability by reasonable people may be understood as reflecting a commitment to the public justifiability of that thing, or of the claim that it possesses the relevant merit. With this in mind, the above suggests we attribute to Rawls *Actualist Public Justification* (for conceptions of political justice, ϕ):

APJ ϕ is reasonable if and only if ϕ is equally acceptable coherently by, or publicly

⁸ This is worth highlighting as Rawls also discusses reflective equilibrium in relation to the reasonable citizens of a hypothetical society well-ordered by JF: Rawls 2001: 9f. Why does he do this? In his view, political power can be legitimate only if it accords with a conception of justice that is coherently acceptable by the reasonable citizens over whom it is exercised (Besch 1998: chapter IV, and 2020). Thus, the question of what conception of justice is coherently acceptable, and hence can serve as a basis for political legitimacy, arises also from the perspective of the reasonable citizens of a well-ordered society.

⁹ Rawls also distinguishes narrow from wide reflective equilibrium. Rawls prefers wide equilibrium (Rawls 1974: 8f; 2001: 29-32; 2005: 387f). Note that reflective equilibrium can be wide even if it is *perspectival*, or if some commitments remain *fixed points* throughout an agent’s attempt to attain wide equilibrium (see Besch 1998: chapter III). On the reading adopted here, Rawls takes a commitment to political liberalism’s most important political values to play the role of such fixed points in the deliberations of reasonable citizens.

justifiable to, actual reasonable citizens,

where φ is ‘equally acceptable coherently’ by actual reasonable citizens α and β only if each can accept φ in a manner that meets CRE, and citizens are ‘reasonable’ only if they do not reject political liberalism’s most important liberal political values (below, I sometimes refer to the kind of reasonableness that APJ-justification confers as ‘APJ-reasonableness’). This reads CRE as a condition of public justification—which Rawls in effect confirms when he writes that a conception of justice, when it attains public justification, is affirmed in reflective equilibrium (Rawls 2001: 29; 2005: 388).

In what sense is APJ-justification *actualist*? It is actualist in relation to its constituency: it includes in its constituency on fully enfranchised footing *actual* reasonable citizens in the actual world (as opposed to the non-existent, hypothetical reasonable citizens of a hypothetical, non-existent society well-ordered on the basis of JF).¹⁰ And in what sense is APJ-justification *fundamental*? It is fundamental in that it plays its role at a level of justification that is fundamental in political liberalism. Arguably, Rawls’s view that only a political and liberal conception of political justice can provide a reasonable basis of political legitimacy turns on his view that a political and liberal conception of political justice can be equally acceptable coherently by reasonable citizens (see Besch 1998, chapter III). At any rate, from the above it is plain that APJ-justification is more fundamental in political liberalism’s order of justification than ideal public justification. On the one hand, the idea of ideal public justification is part of JF, which is but one of the competing conceptions of political justice that depend for their reasonableness on their equal coherent acceptability by actual reasonable citizens. On the other hand, ideal public justification supposes that the conception of justice it draws on is reasonable, or is shared as reasonable. But APJ-justification establishes what conception, or family of conceptions, is reasonable, or most reasonable, in the first place.

Before I move on, I note, as well, how APJ relates to Rawls’s Original Position (OP).¹¹ In *A Theory of Justice*, Rawls describes OP as modelling an idea of reasonable and rational choice that satisfies pure procedural justice (Rawls 1971: 136ff)—an idea such that if any actual citizen cannot coherently accept OP’s results, such as JF’s principles of justice, this must signal that person’s unreasonableness or irrationality. But Rawls’s mature work suggests a different picture:

[OP] models what *we* regard—*you and I, here and now*—as fair and reasonable conditions for the parties [of OP] ... [OP] also models what *we* regard as appropriate restrictions on reasons for adopting a political conception of justice ... Given these features, *we* conjecture that the conception of political justice the parties would select is the conception that *you and I, here and now*, would regard as reasonable and rational and supported by the best reasons. Whether the conjecture is borne out will depend on

¹⁰ Note that there is a difference between inclusion in public justification’s *primary* constituency and other forms of inclusion. For instance, it has been argued that political liberalism should engage unreasonable people—for example, through arguments from conjecture (Rawls 2005: 465) or buck-passing strategies (Quong 2011: 236ff). But this does not include them in public justification’s primary constituency: it does not recognize them as people for whom φ must be equally acceptable for φ to be APJ-reasonable (see Besch 2012).

¹¹ Again, this follows Besch 1998 and 2020.

whether *you and I, here and now*, can, on due reflection, endorse the principles adopted. (Rawls 2001: 30; all emphases are added.)

OP models what ‘you and I, here and now’ see as proper constraints on reasons to adopt a conception of political justice. OP’s success as such a model turns on whether OP’s results match what ‘you and I, here and now’ regard as reasonable and rational, or as supported by the best reasons. Accordingly, Rawls refers to OP as ‘a means of public reflection and self-clarification’ that aims to help ‘us’ attain ‘deeper self-understanding’ and ‘greater coherence among all our judgements,’ with the help of which ‘we can attain wider agreement among one another’ (Rawls 2005: 26).

What people does Rawls refer to here? As I read him, these are the people for whom JF must be coherently acceptable in order to be APJ-reasonable. This suggests: Rawls offers OP as a tool to clarify implications of the self-understanding of actual reasonable citizens. OP’s success as such a tool turns on whether OP’s results suitably cohere with their considered judgments—which is something that they assess from their perspective. If OP’s results suitably cohere with their self-understanding, then this can advance JF’s APJ-justification. But if OP’s results do not do this, then OP does not aid JF’s APJ-justification—in which case reasonable citizens must decide whether to revise or reject JF. Either way, their considered judgments have the last word.

One upshot is this. It is not the case that if any actual citizen cannot accept OP’s results, this must signal their unreasonableness or irrationality. In the case of *actual reasonable citizens*, the dependency is *reversed*: if actual reasonable citizens cannot coherently accept OP’s results, then this calls into question the reasonableness of *OP’s results* if this is the conclusion favoured by their considered judgments. Thus, in one sense OP *cannot* model pure procedural justice: OP’s results depend for their reasonableness on matching the considered judgments of actual reasonable citizens, including considered judgments about what is or is not politically just.

Another upshot is this. Rawls’s mature view of the role of OP confirms the fundamental status of APJ-justification. OP does not compete with, but is subservient to APJ-justification in that OP is offered as a tool to assist actual reasonable citizens in clarifying their considered judgments, while its role as such a tool depends on whether its results are equally acceptable by these actual reasonable citizens.

***Pro tanto* justification**

We have seen how actualist and fundamental public justification relates to OP. I now address two additional ideas of justification that surface in Rawls’s *Reply to Habermas* (Rawls 2005: 372-434)—*pro tanto* and full justification. What matters here is their relationship to actualist and fundamental public justification. I start with *pro tanto* justification.

What is *pro tanto* justification? Rawls answers with a focus on the justification of *conceptions of political justice*. To justify a conception of political justice, ϕ , *pro tanto* is to show, or demonstrate, that ϕ offers an ordering of political values that is ‘complete’,

[t]hat is, the political values specified by it can be suitably ordered, or balanced, so that those values alone give a reasonable answer *by public reason* to all or nearly all questions concerning constitutional essentials and basic justice. This is the meaning of *pro tanto* justification. By examining a wide range of political questions to see whether a political conception can always provide a reasonable answer we can check to see if it seems to be complete. (Rawls 2005: 386; see also 454ff; first emphasis is added.)

How does this contribute to the *justification* of a conception of political justice? One part of an answer surfaces in Rawls's claim that ϕ , when it is complete, answers 'all or nearly all questions concerning constitutional essentials and basic justice' *by public reason*—where public reason 'aims for public justification' (ibid: 465), or equal acceptability by reasonable citizens. Another part is entailed in the view that completeness is attained by ordering *political values*. I first address political values and then tie in public reason. After this, I consider degrees of completeness and different views of *pro tanto* justification. An answer to the question just asked will then emerge.

Rawls's view of political values is sophisticated. They share three features.¹² Two are prominent:

- (i) if δ is a political value, then δ is part of, or entailed in, the public political tradition of a relevant society, S; as Rawls exclusively focuses on the USA of his time with its liberal political tradition, as a value that is part of this tradition, δ is also liberal in content);
- (ii) if δ is a political value, then δ applies to S's domain of the political *only*.

Rawls calls values 'general' if they are non-political in the sense of (ii), or in relation to their scope of application. He calls values 'comprehensive' if they are non-political in the sense of (i), their source or origin. He stipulates that all comprehensive values are general. And he assumes that all comprehensive values not only are not equally acceptable by all reasonable citizens, but that they are the subject of (actual or probable) reasonable disagreement between them.

This brings us to a third feature of political values. It is reflected not in what Rawls says about their nature, but in the use he makes exclusively of ideas or conceptions that he claims to be political values. Rawls assumes not only that there are values that are coherently acceptable by all reasonable citizens, but also that there are values that no such citizen can coherently reject (call the latter values 'reasonably non-rejectable'). Rawls assumes, as well, that values of the two kinds are not comprehensive, but political. This suggests,

- (iii) if δ is a political value, δ has membership in the only family of values that includes values that are coherently acceptable by all reasonable citizens and values that are reasonably non-rejectable.

This ties completeness to public reason and its aim, public justification. If ϕ answers relevant political questions on the basis of political values, these answers are based on values that are acceptable, if not non-rejectable, by all reasonable citizens. Other things being equal, then, these answers can be used in public reason, or reasoning under the aim of equal acceptability by all reasonable citizens, when these questions arise in political practice. This renders ϕ useful, and recommends it, if we also assume that conceptions of political justice should be able to offer guidance in such matters that is consonant with that aim. Thus: to justify ϕ *pro tanto* is to show that ϕ is useful in this way.

Correspondingly, Rawls-type completeness can come in degrees. Several conceptions of political justice might provide answers 'to all *or nearly all* questions concerning constitutional essentials and basic justice', while some might be better at this than others—for example, ϕ_1 might provide *more* or *more important* answers than ϕ_2 . Consequently, there are at least two

¹² This follows Besch 1998: chapter I. See also Leland and Wietmarschen 2012.

readings of *pro tanto* justification. On a strong reading, ϕ possesses *pro tanto* justification not simply if ϕ passes the threshold of completeness, but only if ϕ provides an ordering of political values that is *more* complete than the orderings offered by ϕ 's competitors. On a weak reading, ϕ possesses *pro tanto* justification already if ϕ passes the threshold of completeness.

On the strong reading, to reject a *pro tanto* justifiable conception of political justice is to reject the conception that *best* serves the aim of public justification, or that is *most* useful, given that aim. But this, I take it, cannot be reasonable on Rawls's account. On the weak reading, to reject a *pro tanto* justifiable conception does not mean to reject the most useful conception so long as there is another *pro tanto* justifiable conception that is more complete, and hence more useful. And here, it can be reasonable to reject a *pro tanto* justifiable conception; in fact it can be unreasonable *not* to do so.

Which reading sits better with Rawls's views? This seems to be the weak reading. In his later writings, Rawls uses the label 'political liberalism' as referring to a family of conceptions of justice (see Rawls 2005: 450ff). Each family member provides an ordering of political values, and so will possess *some* degree of completeness and be able to attain *some* degree of *pro tanto* justification. And, of course, Rawls assumes that it is, or can be, reasonable to accept JF at the expense of other members of that family. But then it can be reasonable to reject a conception of political justice even if it attains (a degree of) *pro tanto* justification. This suggests the weak reading. So construed, the possession of (*some* degree of) completeness and the ability to attain (*some* degree of) *pro tanto* justification are best seen as markers of a conception's membership in the family of political liberalism.

Does this answer why demonstrating completeness contributes to justification? Not yet. Consider how *pro tanto* justification relates to public justification. Two possibilities are these:

- I1 Public justification identifies the set of APJ-reasonable conceptions of political justice, while *pro tanto* justification shows, or is part of what identifies, which member in this set is most useful.
- I2 To demonstrate that a conception of political justice possesses *pro tanto* justification is part of, or contributes to, its public justification: to demonstrate completeness is to show that ϕ can be used in ways that are APJ-reasonable.

Which interpretation is preferable? Both seem plausible, given the few things Rawls says about *pro tanto* justification in relation to conceptions of political justice. Still, the above recommends I2. Why?

I assume that all APJ-reasonable conceptions of political justice are political liberalisms. If so, all possess some degree of *pro tanto* justification. But if we know that ϕ is APJ-reasonable, what job could be served by showing that ϕ is also *pro tanto* justifiable? That is, it seems that I1 would have to construe *pro tanto* justification in terms of the *strong* reading of such justification identified earlier. *Pro tanto* justification makes a contribution to the justification of an APJ-reasonable conception if such a conception possesses *pro tanto* justification only if it *best* serves the aim of public justification, or is *most* useful, given that aim. As we have seen, though, there are reasons to prefer the weak reading of *pro tanto* justification—this suggests I2. According to I2, *pro tanto* justification is part of public justification, or, perhaps, a modality of it. On this reading, in order to show that ϕ is publicly justifiable in APJ's sense, one thing to do is to show that ϕ is useful in the sense that ϕ 's political values can provide APJ-reasonable answers to 'all or nearly all' questions about constitutional essentials and matters of basic justice.

Not least, we can distinguish in Rawls's view of *pro tanto* justification a structural and a substantive element. Structurally, *pro tanto* justification is a form of justification that proceeds by demonstrating that a candidate conception of political justice can answer a relevant corpus of relevant questions on the basis of values that are equally acceptable by all relevant people, so that these people can use these answers when they reason publicly, under an aim of equal acceptability by relevant people. Rawls grafts on this structure a substantive commitment to political liberalism's political values—values that are indexed to a *given* political tradition, that are *liberal* in content, that apply to the domain of political *only*, and, importantly, that are equally acceptable, if not non-rejectable, by political liberalism's reasonable citizens.

That Rawls's political liberalism indexes *pro tanto* justification to political values is unsurprising, given its commitment to extend equal discursive respect to actual reasonable citizens. But we can disentangle Rawls's insight that completeness matters for the reasonableness of a conception of political justice from his view of the scope of discursive respect. If we believe that discursive respect should not be restricted to political liberalism's reasonable citizens (at least not prior to further argument), we can agree that a conception of political justice must be complete, but disagree with or bracket the claim that its completeness must be a function of its ordering exclusively of Rawls-type political values.

At any rate: even within Rawls's framework, we cannot know in terms of what values completeness must be demonstrated unless we know what values are equally acceptable, if not non-rejectable, by all relevant people. And for this, we need to know who should be accorded discursive respect in public justification. Rawls-type political values (and they alone) may enter the pool of values in terms of which completeness must be demonstrated just in case these values (and they alone) are equally acceptable, if not non-rejectable, by all relevant people.

Full justification

Rawls claims that a conception of political justice must be capable of 'full justification' (Rawls 2005: 386). What is this? Full justification

is carried out by an individual citizen as a member of civil society. (I assume that each citizen affirms both a political conception and a comprehensive doctrine.) In this case, the citizen accepts a political conception and fills out its justification by embedding it in some way into the citizen's comprehensive doctrine as either true or reasonable, depending on what the doctrine allows. (Ibid.)

Roughly: a conception of political justice, ϕ , has full justification for an agent if she accepts ϕ and ϕ is (or can be) 'in some way' embedded into her comprehensive doctrine. Thus, full justification involves integrating a conception of political justice with the contents of comprehensive doctrines (or *vice versa*—see below).

Why does this matter? First, full justification matters in relation to the stability of a conception of political justice: when ϕ attains full justification for an agent, her acceptance of ϕ is substantiated by her comprehensive doctrine and so can be stable, or more so than it might otherwise be. Second, full justification matters in relation the aim of reasonable overlapping consensus: for ϕ to attain reasonable overlapping consensus is or involves for ϕ to attain full

justification for each reasonable citizen.¹³ Accordingly, third, full justification seems to matter for public justification—at least if we for now assume that ϕ , to attain reflective equilibrium for each reasonable citizen, must be capable of full justification for each of them. Especially the third reason makes full justification relevant here.

Here, then, are two observations. First, if full justification (partly) is a matter of embedding a conception of justice into an agent's comprehensive doctrine, then it can come in degrees. One conception, ϕ_1 , might be able to integrate more fully with the contents of Betty's comprehensive doctrine (that is, her comprehensive views) than another, ϕ_2 ; hence, ϕ_1 might be able to be more fully justified for her than ϕ_2 .

Second, to require conceptions of justice to be capable of full justification seems to *elevate* the role of comprehensive doctrines in public justification. The above suggests this:

1. To be publicly justifiable—that is, to meet APJ— ϕ must be coherently acceptable by each reasonable citizen in a manner that meets CRE, the criterion of reflective equilibrium. To this end, ϕ must be capable of full justification for each reasonable citizen: after all, if ϕ cannot integrate *at all* with their respective comprehensive doctrines, how could it be coherent for them to accept ϕ ? The point: as ϕ 's public justifiability depends on its capacity for full justification, ϕ must be tailored to the contents of the comprehensive doctrines of the citizens for whom ϕ must be capable of full justification.

But Rawls *denies* the conclusion. He stresses that the contents of comprehensive doctrines 'have no normative role in public justification' (Rawls 2005: 387)—which implies that a conception of political justice must *not* be tailored to the contents of any comprehensive doctrine. What is in play here is political liberalism's signature commitment to justificatory neutrality (Larmore 2015: 67), that is, the view that public justification should avoid justifiers or reasons, widely conceived, that are the subject of reasonable disagreement—construed as disagreement that can arise between reasonable citizens (Rawls 2005: 55; Larmore 2015: 68-74; Macedo 1991: 47, 71). For Rawls, no conception of political justice counts as equally acceptable by all reasonable citizens that is, or is based on what is, the subject of (actual or probable) reasonable disagreement. And he stipulates that *all* comprehensive views are the subject of reasonable disagreement. Hence, for Rawls, *no* comprehensive view can serve as a justifier or reason in public justification.

Thus, political liberalism reaches an impasse. Its commitment to justificatory neutrality pushes it to deny comprehensive doctrines a justificatory role in public justification—which excludes a justificatory contribution of full justification. But the role it gives to the reflective equilibria of reasonable citizens in public justification pulls in the opposite direction if we assume (plausibly, it seems) that the availability of these equilibria depends on the availability of some level of coherence between a conception of political justice and the comprehensive views of reasonable citizens. And these things are in tension since the requirement of justificatory

¹³ Note that Rawls's political liberalism pursues the aim of reasonable overlapping consensus not only in JF's well-ordered liberal society, where all comprehensive doctrines are reasonable, but also under non-ideal conditions in which not all comprehensive doctrines are reasonable. But in non-ideal conditions, it seeks an overlapping consensus only in relation to the reasonable doctrines that are then present (Rawls 2005: 36; Besch 1998: chapter III, and 2020).

neutrality must be satisfied not only in public justification that is carried out *on the basis of* a reasonable conception of political justice (call this conception-*applicative* justification), but also in public justification that establishes such a conception as reasonable *to begin with* (call this conception-*constitutive* justification).

Of course, one way out of this impasse is to *reject* that justificatory neutrality must be satisfied also in conception-constitutive justification. For instance, we might adopt a convergence view of the justification of a conception of political justice that allows political *and* non-political values to serve as justifiers or reasons for a conception of political justice, while we require justificatory neutrality of conception-applicative justifications that apply a convergence-justified conception of justice to matters of basic justice. And that such a conception can attain full justification might matter greatly for its ability to be convergence-justifiable as reasonable.

Rawls does not take this option. Instead, he denies that public justification depends on full justification. Yes, it must be possible to embed a reasonable conception of political justice into the reasonable doctrines of relevant people. But this is not a condition of public justification. If anything, it is a constraint on *comprehensive doctrines*. How? Consider again a passage quoted from earlier:

Public justification happens when all the reasonable members of political society carry out a justification of the shared political conception by embedding it in their several reasonable comprehensive views. In this case, reasonable citizens take one another into account as having reasonable comprehensive doctrines that endorse that political conception, and this mutual accounting shapes the moral quality of the public culture of political society. A crucial point here is that while the public justification of the political conception for political society depends on reasonable comprehensive doctrines, this justification does so only in an indirect way. That is, the express contents of these doctrines have no normative role in public justification; citizens do not look into the content of others' doctrines, and so remain within the bounds of the political. Rather, they take into account and give some weight to only the fact—the existence—of the reasonable overlapping consensus itself. (Rawls 2005: 387.)

While the first sentence is compatible with the view that full justification (and reasonable overlapping consensus) *is* a condition of public justification, the rest of the passage stresses the opposite. Yes, public justification depends on reasonable comprehensive doctrines, but only 'indirectly'. What matters is only that they can be expected to endorse and 'in some way' embed a conception of political justice that reasonable citizens accept as their 'shared political conception'. Accordingly, in publicly justifying such a conception, reasonable citizens 'remain within the bounds of the political'.

As I read this, it puts to work two sets of stipulations. First, the stipulation that reasonable citizens are committed to the view that a conception of political justice must be justifiable on grounds that are equally acceptable by all reasonable citizens. On the assumption that political values alone can serve as such grounds, this commits reasonable citizens to publicly justifying such a conception exclusively on the basis of political values—or to 'remain within the bounds of the political'. Second, Rawls assumes that reasonable citizens affirm reasonable comprehensive doctrines (Rawls 2005: 59), but he stipulates, as well, that reasonable doctrines cohere with the

commitments of reasonable citizens.¹⁴ Consequently, at least if ϕ is the only conception of political justice that is so justifiable, reasonable doctrines may be expected to endorse and ‘in some way’ embed ϕ .

Thus: public justification does not depend on, but *dominates* full justification, and it does this in a manner that leaves no substantive role to full justification in the selection of a conception of political justice. Call this the *strict view* of full justification. It secures the role of justificatory neutrality as a constraint on conception-constitutive justifications. And it does this by limiting the doxastic material that CRE operates on. Recall: APJ requires ϕ to be coherently acceptable by reasonable citizens—coherently, that is, in a way that meets CRE. Upfront, this suggests that ϕ ’s coherent acceptability depends, as well, on ϕ ’s ability to cohere with the comprehensive views of these citizens. But the strict view denies this possibility. And so ϕ ’s coherent acceptability can only turn on ϕ ’s ability to cohere with the *political values* that reasonable citizens adopt—which by hypothesis are equally acceptable by all reasonable citizens. This, then, is one upshot of Rawls’s dictum that a conception of political justice must be ‘freestanding’ (Rawls 2005: 374ff).

There is an opening for a different view of the role of full justification—call it the *relaxed view*. Rawls, we have seen, concedes that it can be reasonable to reject one *pro tanto* justifiable conception of political justice (or one variant of political liberalism) in favour of another. Now, the public justification of a conception of political justice might not exclusively involve demonstrating its completeness. But assume it mainly takes this form. On the relaxed view, then, considerations of full justification can provide grounds to publicly prefer one *pro tanto* justifiable conception over another if and when it is equally acceptable by all reasonable citizens to let these considerations make this difference. Suppose there are two *pro tanto* justifiable conceptions, ϕ_1 and ϕ_2 , where ϕ_1 integrates more fully than ϕ_2 with the reasonable doctrines of (some) reasonable citizens. On the relaxed view, this provides ground to prefer ϕ_1 , if preferring ϕ_1 for this reason is suitably acceptable.

Should we prefer the strict view or the relaxed view? This is unclear. Both track the priority of the aim of equal acceptability by actual reasonable citizens. The strict view translates this priority into the requirement that justificatory neutrality be satisfied in conception-constitutive justifications—this is part of the point of political liberalism’s application of the principle of toleration to philosophy (Rawls 2005: 10), and it reflects the depth of its commitment to accord equal discursive respect to actual reasonable citizens (Besch 2020). But the relaxed view often seems in play where Rawls suggests that the compatibility of a conception of political justice with the comprehensive doctrines of reasonable citizens marks an important merit that has to do with its public justifiability. After all, *public justification* happens when reasonable citizens carry out full justification, while CRE conditions the *reasonableness* of a conception of justice. And he concedes that ‘acceptable changes’ to political principles of justice can be in order if this is needed to suitably attain compatibility with reasonable comprehensive doctrines (Rawls 2005: 65-66).¹⁵

¹⁴ This differs from Rawls’s official view of reasonableness in comprehensive doctrines (Rawls 2005: 59), but it reflects the criterion of their reasonableness actually at work in view. See Besch 1998: chapter II; Mandle 1999: 90-94.

¹⁵ I am indebted to an anonymous referee for a pointer to this passage.

But we need not now decide between the strict view and the relaxed view. What matters here is only that both views reflect the fundamental role of public justification.

The wide view of public political culture and the public reason intuitions

Before I conclude, I address two additional matters. First, how does public justification relate to Rawls's 'wide' view of public political culture? Second, how does political liberalism's view of the scope of public justification relate to its idea of political legitimacy and the 'public reason intuitions' (Enoch 2015: 114ff)? I address both matters in turn.

Recall some constraints that Rawls ties into public justification:

2. To be publicly justifiable (that is, to meet APJ), ϕ must be coherently acceptable by each reasonable citizen:
 - (i) ϕ must hence be based on justifiers or reasons that satisfy justificatory neutrality: these justifiers or reasons must not be the subject of reasonable disagreement;
 - (ii) ϕ must hence be based on political values only;
 - (iii) ϕ must hence be based on values that are indexed to a *given* political tradition, that are *liberal* in content, that apply to the domain of political *only*, and that are equally acceptable, if not non-rejectable, by political liberalism's reasonable citizens;

and, perhaps:

- (iv) ϕ must be complete and more capable of full justification than other eligible conceptions of political justice.

The first three constraints, and perhaps all four, are necessary for ϕ 's public justifiability. And as public reason 'aims for' public justification, as Rawls puts it, it is natural to assume that public reasoning, at least when it *carries out* public justification, must comply with these constraints—in this regard, we think of them also as constraints of public reason.¹⁶

At first pass, this seems to contradict Rawls's wide view of public political culture. According to Neal (2008), the wide view *relaxes* Rawls's inclusive view of public reason—which itself marks a more inclusive departure from his initial, exclusive view. According to the exclusive view, reasonable citizens may not invoke non-political values or reasons in public political debate. Rawls later opts for a more permissive, inclusive view of public political debate (Rawls 2005: 247f). On this view, reasonable people may invoke non-political values or reasons in public political debate provided (i) this strengthens the ideal public reason and (ii) these values or reasons are *at the time* accompanied by suitably supportive political values. The wide view

¹⁶ If public reason 'aims for' public justification, does it aim for APJ-justification or ideal public justification? One answer: while public reasoning occurs when public justification is carried out, different kinds of public justification may require public reason to accord with different constraints. Rawls complicates things when he writes in 'The Idea of Public Reason Revisited' that public reason 'proceeds entirely within a political conception of justice' (Rawls 2005: 453), or that 'its content [is] given by a family of reasonable political conceptions of justice' (ibid: 442). This appears to index public reason to *ideal* public justification. And yet, 'The Idea of Public Reason Revisited' also suggests that public reasoning is (or should be) carried out by actual reasonable citizens in the actual world—as opposed to the hypothetical citizens of a hypothetical well-ordered society. But I set this aside here and construe public reason in inclusive terms along the lines of the plausible answer just referred to.

finally relaxes this by replacing (ii) with the weaker condition that reasonable citizens must ‘in due course’ provide ‘public reasons to support the principles and policies our comprehensive doctrine is said to support’ (ibid: 453; see also 442, 462ff). Thus, Rawls concedes that reasonable citizens may invoke non-political values or reasons in public political debate so long as doing so remains suitably tethered to public reason.

But if public political debate invokes non-political values or non-public reasons, it cannot, or not only, instantiate reasoning that satisfies the constraints of public reason. Thus, is Rawls’s wide view incompatible with these constraints? It is not. Recall what labels are in play: while Rawls proposes the exclusive and inclusive views as views of *public reason*, he refers to the wide view as a view of *public political culture* (Ibid.). And he *contrasts* what people may do on the wide view and what they must do to satisfy the constraints of public reason (Rawls 2005: 455f, 461f). Thus, the shift in labels from ‘public reason’ to ‘public culture’ matters. It heralds that not all stretches of debate that instantiate public political culture—say, public political debate—must also instantiate public reason.

This prompts a way to reconcile Rawls’s wide view with the constraints of public reason. We can understand the view in light of a distinction between two idioms or strands of public political debate, namely, (i) debate that (directly) aims for public justification and to which the constraints of public reason apply, and (ii) debate that does not (directly) aim for this and that need not meet these constraints. Accordingly, only type-(i)-debate instantiates public reason proper and must meet the relevant constraints. In light of (i) and (ii), the wide view does not entail that public political debate must always instantiate public reason, or must do so even when debate invokes non-political values or reasons. Instead, it articulates a more differentiated view of public political debate according to which such debate is not co-terminus with an exercise of public reason, and hence need not always meet the constraints of public reason (although the view would still assume that such debate must always remain tethered to public reason). This, I submit, is how we should understand Rawls’s wide view of public political culture.

Not least, I relate APJ to political liberalism’s idea of political legitimacy.¹⁷ On Rawls’s liberal principle of legitimacy (LPL), political power must be exercised ‘in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational’ (Rawls 2005: 217). Yet these must be principles and ideals that are justifiable *as* reasonable and rational within a conception of political justice that is reasonable (see Besch 1998, chapter V, and Besch 2013). And such a conception counts as reasonable only if it meets APJ—which reflects political liberalism’s commitment to extend equal discursive respect to actual reasonable citizens. Thus: political power here is politically legitimate only if it is justifiable on the basis of a conception of political justice that is equally acceptable by all actual reasonable citizens.

Of course it is problematic to restrict from the outset (full) inclusion in the constituency of public justification to political liberalism’s reasonable citizens—a point that has often been made. But note that it *is* compatible with political liberalism’s understanding of the ‘public reason intuitions’ (Enoch 2015: 114ff). These intuitions amount to the view that political power can be reconciled with the freedom and equality of citizens only if it is equally justifiable to them. It has been argued that political liberalism cannot accommodate these intuitions since it is

¹⁷ The remainder of this section follows Besch 2020.

at least initially committed to reconcile the freedom and equality of *all* citizens with political power (ibid: 122-126); but if such power is equally justifiable only to reasonable people, little is done to accommodate the freedom and equality of anyone else.

However, political liberalism sits better with a different interpretation. Following Macedo, it respects as ‘free and equal (...) all those who pass certain threshold tests of reasonableness: we respect those whose disagreement with us does not impugn their reasonableness’ (Macedo 1991: 47, 71). This suggests: political liberalism aims to reconcile with political power the freedom and equality *not* of everyone, but of every citizen that it *respects as free and equal*, namely, *reasonable citizens*. The point: political liberalism’s restriction on the scope of discursive respect and hence its restriction on the constituency of actualist and fundamental public justification coheres with its public reason intuitions. Political liberalism indexes not only discursive respect and public justification to reasonableness, but also its attempt to reconcile political power with freedom and equality.

Conclusion

This discussion developed a reading of Rawls according to which an actualist idea of public justification plays a fundamental role in his political liberalism. According to this reading, Rawls’s political liberalism holds that any conception of political justice, to be reasonable in the first place, must be equally acceptable coherently by actual reasonable citizens.

We found that Rawls’s mature view of OP confirms the fundamental role of actualist public justification. OP’s role depends on whether OP’s results are suitably acceptable by the actual reasonable citizens from the perspective of whom any conception of political justice must coherently be acceptable in order to be reasonable in the first place.

Rawls-type *pro tanto* justification, too, ties in with actualist and fundamental public justification. We cannot know in terms of what values *pro tanto* justification must demonstrate completeness unless we know what values are suitably acceptable by relevant citizens. That Rawls’s political values (and they alone) may enter the pool of values in terms of which completeness must be demonstrated springs from the stipulation that only these values are suitably acceptable by relevant people.

Next, full justification ties in with actualist public justification insofar as it tracks the priority Rawls attaches to equal acceptability by actual reasonable citizens. On the strict view, full justification is dominated by actualist and fundamental public justification. On the relaxed view, full justification can make a limited contribution to such justification if and when this is consistent with the aim of coherent acceptability by actual reasonable citizens.

Finally, the wide view of public political culture and the public reason intuitions cohere with actualist and fundamental public justification. The latter coheres with it insofar as political liberalism’s view of political legitimacy requires merely that political power be reconciled with the freedom and equality of reasonable citizens. The former coheres with it as the wide view allows for more than one idiom of public political debate—where one idiom is, or can be, subject to the constraints of public reason as they spring from APJ.

All this supports the view that Rawls’s political liberalism builds on an idea of actualist and fundamental public justification that extends discursive respect to actual reasonable citizens, or models their robust discursive equality.

In closing, I note that all this draws out limitations of Rawls’s view: the constraints political liberalism imposes on actualist and fundamental public justification and on discursive respect limit its plausibility. APJ-justification coheres with a political and liberal view of justice

since (i) APJ-justification includes within its scope on fully enfranchised footing only reasonable citizens, while Rawls stipulates that (ii) liberal political values, and they alone, are suitably acceptable by such citizens. Without (i) and (ii), the commitment to actualist and fundamental public justification seems to give expression to emancipatory and egalitarian values that might make the view attractive for many. With (i) and (ii), however, the view looks like a form of public dogma (see Besch 2012). This leaves us with questions. Suppose we reject (i) and (ii). What conception of political justice is publicly justifiable if we adopt a more inclusive view of the standpoint from which conceptions of political justice must equally be acceptable coherently, or a more inclusive view of the values that such a conception must contain? That is, how should political liberalism construe its underlying commitment to discursive respect and robust discursive equality? If we aim to salvage in Rawls's view what seems attractive, these issues are amongst the many that stand to be explored more.¹⁸

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¹⁸ Elsewhere, I develop this line of criticism further and suggest changes to political liberalism that might help to accommodate it: see Besch 1998: chapter VII; 2004: part II.C; and Besch 2012 and 2013.

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