

Equal Respect, Liberty, and Civic Friendship

Why Liberal Public Justification Needs a Dual Understanding of Reciprocity*

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Abstract

This paper critically discusses the generally recognized dualism in the interpretation of the moral basis of public reason. We argue that in order to maintain the complementarity of both liberal and democratic values within the debate on public reason, the arguments from liberty and from civic friendship cannot be considered in isolation. With regard to the argument from liberty, we contend that because the idea of natural liberty is an indispensable starting point of liberal theory, no explanation of the justification of political power can do without it. In particular, we focus on the requirement of reasonableness and show that we should retain the epistemic aspect of the reasonableness of persons. Perhaps the main reason for this is to be found in the criterion of reciprocity which provides the deepest justification of the respect for people's liberty – that is, the liberal aspect of liberal democracy. At the same time, however, we argue that reciprocity also provides the grounds for responding to the criticism that the essentially liberal approach fails to adequately take into consideration the role of political community. Because reciprocity may also be interpreted as being based on civic friendship, it provides the resources to respond to such criticism. It thus supplies the normative background also for the second, democratic pillar of public reason. We then critically examine the newly emerging approach built predominantly on the argument from civic friendship, arguing that by prioritising the civic friendship interpretation and, at times, tending to completely abandon the liberty-based one, it overlooks the indispensability of liberty-based considerations for the criterion of reciprocity. We conclude that in order to adequately capture the common liberal-democratic basis of public reason, both interpretations of reciprocity must be linked within a comprehensive account.

Keywords: public reason; public justification; the liberty principle; civic friendship; reciprocity; political community

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1. Introduction

Recently, there have been two major approaches to liberal public justification and public reason. The mainstream approach is based on the argument from liberty: it assumes that in order to respect people's liberty, coercive political power must always be justified to all, from which certain requirements on public reason follow (Rawls, 2001; Rawls, 2005a; Gaus, 1996; Larmore, 1996; Nussbaum, 2011). This approach is not without problems, however. One structural issue, as some authors point out, is that it does not take sufficiently into account the role of political community – that is, the fact that political community can be valuable and desirable in itself (Eberle, 2002; Lister, 2013). Accordingly, this issue has given rise to an alternative approach to public reason. Kyla Ebels-Duggan (2010), Andrew Lister (2013) and R.J. Leland and Han van Wietmarschen (2017) focus in particular on Rawls's criterion of reciprocity and argue that it need not be explained by referring to the argument from liberty. According to them, an appropriate interpretation is the one referring to *civic friendship*.

Despite being an important contribution regarding the role and value of political community within public reason, we do not think that the main variants of the second approach are in fact separable from the argument from liberty. This is because, as we argue, any comprehensive account of public reason needs to start with the *Public Justification Principle* laying down general conditions of justification of political power. Consequently, we show that in order to be normatively complete, any approach to public reason should explain why justify political power in the first place: that is, why unjustified political power is bad and undesirable at all? In our view, the first approach provides an adequate answer that is in conformity with liberal public justification and the idea of public reason. It says that unjustified political power is bad because it potentially violates people's liberty. In doing so, the argument from liberty also determines the standards of justification, above all *the criterion of reciprocity* and the requirement of *reasonableness*. On the other hand, the second approach skips this initial step and starts directly with the criterion of reciprocity as depicted by the first approach, arguing that its best interpretation is provided by the argument from civic friendship.

However, while such a stance appropriately responds to the shortcomings of the argument from liberty, it remains normatively incomplete until it comes to terms also with the fundamental 'why' question. But we want to show more than that: in order to adequately respond to the question, the major variants of the civic friendship approach must explicitly incorporate the argument from liberty, because otherwise it would be very difficult for them to keep the idea of public reason compatible with liberal public justification and public reason. The upshot is that instead of talking about two independent approaches, we should rather accept a *dual* understanding of reciprocity. Among other things, this will make it possible to reconcile the liberal and democratic ideals implicit in the background of the numerous variants of public reason theorising (for the classic examples see Rawls, 2005b, p. 413; Habermas, 1996, pp. 121–122).

Our argument proceeds as follows. In the first part of the paper, we present the liberty-based approach to public reason. We show how it responds to the fundamental 'why'

question that determines the standards of the justification of political power. Such standards include the criterion of reciprocity and the requirement of reasonableness, which we further elaborate. Regarding the notion of reasonableness, we respond to criticisms of its epistemic aspect, arguing that for reasons of consistency with the argument from liberty, both moral and epistemic reasonableness of persons is required. After depicting general characteristics of the liberty-based approach to public reason liberalism, we move on to its shortcomings concerning an inadequate account of the role of political community and democratic values. Authors who raise this objection claim that citizens may avoid using unreasonable arguments in public deliberation for the sake of civic friendship, that is, maintaining a valuable relationship with their fellow citizens. Although the argument from civic friendship is an important addition to the idea of public reason, we nonetheless show that in its major variants, it is not independent of, or separable from, the argument from liberty. Specifically, we argue that despite his explicit criticism of the argument from liberty, Lister fails to prove the inevitability of an unmoralised construal of coercion which the rejection of the liberty-based approach requires. Related, his account does not provide an adequate answer to the ‘why’ question that would be consistent with public reason liberalism. While Ebels-Duggan and Leland and van Wietmarschen are more accommodative of the liberty-based argument, they do not sufficiently acknowledge that their own position in fact relies on it (or are not aware of that). This is why we suggest adhering to a dual understanding of the criterion of reciprocity which, besides reconciling the arguments from liberty and from civic friendship, also enables capturing the underlying liberal and democratic ideals within a single approach to public reason.

2. Preliminary remarks: The Public Justification Principle as a starting point for considerations on public reason

Considerations on public reason are driven by the idea of public justification. As Vallier (2018) puts it, public justification is the genus and public reason the species; accordingly, public reason is to be categorized in accord with a master principle – the *Public Justification Principle*. It states that ‘a coercive law L is justified only if each member I of the public P has some sufficient reason(s) R_i to endorse L’ (Vallier, 2014, p. 24). Because the production and enforcement of laws is the main task of political authority in a constitutional (liberal) democracy, the Principle in effect requires that political power must always be justified to everyone who is subject to its exercise. Although there may be different interpretations along various dimensions (e.g. the sufficiency of reasons, the scope of the public, the types of justificatory reasons, the process of public justification, or the degree of idealisation), the general wording of the principle is widely shared among public reason liberals. What is not always spelled out in detail, however, is *why* unjustified political power is bad and undesirable in the first place (Vallier, 2014, pp. 25–29). While it makes sense that such a fundamental principle tends toward parsimony, it remains normatively incomplete if the logically prior question about the undesirability of unjustified political power lacks a convincing answer.

3. The liberty-based approach to public reason

The first approach to the moral basis of public reason does have a response, though, in the form of an *argument from liberty*, or a *Liberty Principle* (Vallier, 2014, p. 30). The argument from liberty shows that the reason why unjustified political power is a bad thing is that it potentially disturbs people's natural liberty. Liberty is thus a benchmark of all reasoning on public justification and public reason. Accordingly, respect for liberty requires that any interference with individual's will be always justified (see Larmore, 1996, p. 137; Nussbaum, 2011, pp. 14–22; Valentini, 2013, pp. 178–179). The argument from liberty then applies to both moral and political levels: unjustified coercion is bad at the level of morality, as it prevents a person from acting freely, subjugating his will to the will of another person and thus disrespecting his natural liberty. Unjustified political power is bad at the political level too, since it violates citizens' freedom and equality (see Benn, 1988, pp. 87–90; Darwall, 2006, pp. 3–5, 261–262; Feinberg, 1988, p. 9; Gaus, 1996, p. 165; Gaus, 2019, p. 8; Rawls, 2005a, pp. 136–137; Vallier, 2014, p. 30; Wolterstorff, 2012, p. 54). Yet, as liberals start their reasoning with the assumption of natural liberty and equality, the moral level inevitably precedes – and also predetermines – the political one (see Quong, 2017).

When focusing on the political level, by explaining the reasons for badness and undesirability of unjustified political power the argument from liberty simultaneously prefigures the *standards* (criteria) of such justification, as demanded by the *Public Justification Principle*. A central place among them is occupied by the liberal principle of legitimacy based on the criterion of reciprocity¹ originally introduced by Rawls.² In this context, the argument from liberty states that the reason why people are required to abide by the criterion of reciprocity – that is, why they must only appeal to those arguments that other citizens can *reasonably* accept when deliberating about fundamental political issues – is just for the sake of respect for one's liberty (Rawls, 2005a, p. 137). Accordingly, if citizens used *unreasonable* arguments in public deliberation, they would disrespect the liberty of their fellows. Thusly formulated, the criterion of reciprocity simultaneously touches on another standard critical for liberal justification of the exercise of political power: the notion of reasonableness.³ The driving idea behind reasonableness is that public justification cannot be 'populist' in the sense of including all existing classes of beliefs, arguments, and reasons (and perhaps persons), but needs to exclude the unreasonable ones (however the threshold is ultimately defined).⁴

Rawls's own conception of reasonableness is basically a mosaic consisting of several elements, the foremost one being the *reasonable person*. Rawls distinguishes two aspects of reasonable persons. First, there is the *moral* dimension of reasonableness: a person is reasonable if she is 'ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so' (Rawls, 2005a, p. 49).⁵ The second – *epistemic* – aspect of reasonableness consists in accepting the *burdens of judgment* which explain the inevitability of reasonable disagreement in a free – say, liberal democratic – society (Liveriero, 2015, p. 526). The burdens of judgment are 'the many hazards involved in the correct (and conscientious) exercise of our powers of

reason and judgment in the ordinary course of political life' (Rawls, 2005a, pp. 55–56); as such, they explain why reasonable people permanently disagree.⁶ On the basis of the burdens of judgment argument, Rawls states that reasonable persons thusly defined *only* uphold *reasonable comprehensive doctrines*, which have the following (epistemic) character: 1. each of them is an 'exercise of theoretical reason' that consistently and coherently covers 'major religious, philosophical and moral aspects of human life'; 2. both theoretical and practical reason are used in their formulation; and 3. they are stable over time yet evolving in the light of what they consider as good and sufficient reasons (Rawls, 2005a, p. 59). On the one hand, given the burdens of judgment, people will differ in their allegiances, so that it is 'not in general unreasonable' to hold any of the reasonable comprehensive doctrines (Rawls, 2005a, p. 60). On the other hand, because the limits of the reasonable are the limits of what can be justified to others, supporters of unreasonable doctrines are excluded from public deliberation.

To sum up, the first approach provides a comprehensive account of public reason. By employing the argument from liberty, it responds to the fundamental question concerning the reasons why unjustified political power is wrong, as described by the *Public Justification Principle* that supports the whole idea of public reason. Accordingly, it shows how the argument based on respect for people's liberty, as specified by the criterion of reciprocity claiming that citizens must only use those arguments in public deliberation that are reasonably acceptable to others, determines the standards of the justification of political power. In order to provide such arguments, citizens must be both morally and epistemically reasonable, which means that they are willing to abide by fair terms of cooperation, accept the burdens of judgment and only advance reasonable comprehensive doctrines.

3.1. Against withdrawal from the requirement of epistemic reasonableness of persons

Before moving on to the second approach, it is important to come to terms with an important criticism of reasonableness as described above. Specifically, several authors have recently questioned the necessity and desirability of the epistemic dimension of reasonableness (Wenar, 1995; Kelly & McPherson, 2001; Nussbaum, 2011). Their main target is the requirement of reasonable comprehensive doctrines which they see as directly dependent on the requirement of epistemic reasonableness of persons (that is, on the idea of the burdens of judgment) (Wenar, 1995, p. 36; Nussbaum, 2011, pp. 22–31). According to them, the requirement causes an exclusion of otherwise reasonable people from public justification merely because they happen to hold unreasonable comprehensive doctrines, as judged against the three elements mentioned above (Wenar, 1995, pp. 33–38, 57; Kelly & McPherson, 2001, pp. 39–46; Nussbaum, 2011, pp. 22–31). In response, Wenar, Kelly and McPherson, and Nussbaum all argue that the only proper way to both maintain the notion of reasonableness and avoid the excessive demandingness of the requirement of reasonable comprehensive doctrines is to abandon the requirement of epistemic reasonableness as such – including the burdens of judgment – and stick solely to the moral aspect.

To a certain extent, we consider this criticism of the requirement of reasonable comprehensive doctrines plausible. When we look closer at the notion of comprehensive doctrines, it turns out to be indeterminate, because doctrines differ in the degree of their comprehensiveness. In addition, agents holding the same comprehensive doctrine may diverge as regards the degree of their attachment to the doctrine and its interpretation. This may result in both reasonable and unreasonable persons sharing the same comprehensive doctrine (Liveriero, 2018). Despite accepting the criticism we nonetheless do not think it necessarily entails rejecting the burdens of judgment and the idea of the *epistemic reasonableness of persons* in their entirety.

Firstly, we cannot see why the notions of epistemically reasonable *persons* and reasonable comprehensive *doctrines* need to be so strongly entwined that the demise of the latter forces the abandonment of the former. Wenar, for instance, explicitly sees the characterization of reasonable comprehensive doctrines to be directly dependent on the characterization of reasonable persons. He contends that the conception of a reasonable person is the conception that grounds 'the meaning of all other 'reasonable' terms' (Wenar, 1995, p. 36). Because of this assumption, Wenar ultimately has no other option than to throw the baby out with the bathwater: when abandoning the requirement of reasonable comprehensive doctrines, he also has to give up the requirement of epistemic reasonableness of persons as its starting point. In her argumentation, Nussbaum is forced to take the same step (Nussbaum, 2011, pp. 22–31). We think, on the contrary, that it is important to draw a line between the appraisal of the reasonableness of persons and the assessment of comprehensive doctrines in terms of reasonableness (Liveriero, 2018). Persons are not doctrines, which is why we need not (and should not) assume that reasonable persons *always* hold only reasonable comprehensive doctrines as defined by Rawls's three criteria (and vice versa – i.e., that unreasonable people *always* adhere to only unreasonable comprehensive doctrines). Upon detaching reasonableness of comprehensive doctrines from the epistemic reasonableness of persons, we can both accept the criticism of the demandingness of the requirement of reasonable comprehensive doctrines and retain the burdens of judgment part of reasonableness. The reason why we consider the burdens of judgment important is that they are in fact crucial for ensuring people's liberty that is the moral basis of public reason liberalism (as described by the first approach to public reason). In other words, we think that Nussbaum is mistaken in declaring that respect for people's liberty can be ensured simply by demanding the moral (ethical) reasonableness of persons (Nussbaum, 2011, p. 20): the argument from liberty backing up the whole conception of reasonableness requires *both* its moral and epistemic dimensions to be considered.

To show why this is so, let us elaborate on the nature of the epistemic reasonableness of persons in some detail. According to Rawls (2005a, p. 16), the point and purpose of the burdens of judgment (as the linchpin of epistemic reasonableness of persons and thus the exercise of human reason as such) is to establish that there is genuine normative disagreement that cannot (always) be overcome. R. J. Leland and Han van Wietmarschen call it *universal disagreement* and argue that such disagreement is an inevitable consequence of the limited cognitive (epistemic) capacities of people, these persisting even among the most competent individuals. One aspect of universal disagreement therefore is that there is no level of competence above which convergence on a single answer could be expected

(Leland & van Wietmarschen, 2012, pp. 731–732, Peter, 2013, pp. 598–620, Gaus, 2000, p. 42; Liveriero, 2015, p. 523; Ferretti, 2018). As a result, citizens should acknowledge not only their own fallibility, but also the value of intellectual modesty: they should accept that in principle they have no greater epistemic authority than others, to the effect that one's own beliefs have no special claim to correctness (not to mention their imposition upon other people). It also means that reasonable citizens need to respect the epistemic authority of other participants in the process of deliberation.⁷

By emphasizing the insurmountability of disagreement among people on the grounds of the very exercise of their reasoning, the epistemic aspect of reasonableness of persons implies two things. The first is crucial for the very idea of political liberalism: inclusion of the epistemic element allows the development of a more comprehensive account of the fact of pluralism than would be possible solely on the back of moral reasonableness. Although the moral aspect of reasonableness (according to which people are willing to propose principles and standards as fair terms of cooperation and abide by them) has an important role in dealing with the fact of pluralism, on its own it is insufficient: moral principles themselves cannot adequately accommodate pluralism within people's reasoning and cognition, as captured by the notion of the burdens of judgment. This is because a solely moral conception of reasonableness does not impose sufficient limits on what reasonable people can *expect* their fellow citizens to accept (Leland & van Wietmarschen, 2012, p. 724). Put otherwise, a moral conception of reasonableness as such does not set down the limits on people's reasoning and cognition in the way the epistemic reasonableness of persons does. The suggestion to abandon the epistemic dimension of the reasonableness of persons, proposed as a solution to the paradox of comprehensive doctrines, thus obscures the very nature of pluralism in liberal societies (Valentini, 2013, pp. 182–187; Rawls, 2005a, pp. 133–172; Leland & van Wietmarschen, 2012, p. 722; Peter, 2013, pp. 598–620; Liveriero, 2015, pp. 518–519).⁸

The second consequence of insistence on epistemic reasonableness of persons proves even more interesting. This is because exclusive concern with the moral reasonableness of persons overlooks that the requirement of epistemic reasonableness of persons is also crucial for respecting people's liberty as the moral basis of public reason liberalism. It is particularly clear when considering the criterion of reciprocity (Rawls, 2005a, pp. 133–172; Liveriero, 2015, p. 526). As argued above, reciprocity is one of the standards of justification of the exercise of political power and the basis of political legitimacy. By abandoning the requirement of epistemic reasonableness of persons, we risk that reciprocity – as explained via the argument from respect for people's liberty – will be denied. Let us recall Leland and van Wietmarschen's fitting example of a 'rationalist fundamentalist' – someone who is morally reasonable yet recognizes neither the burdens of judgment nor intellectual modesty (2012, pp. 730–731). Although such a person is willing to abide by fair norms of cooperation (thus being morally reasonable), he at the same time believes that everyone with a good but unexceptional level of competence on some matter would endorse the same view as him. Because abandoning the burdens of judgment removes limits on what epistemic expectations one is allowed to place on fellow citizens, he can legitimately assume that all reasonable people (= those reaching his threshold) will accept the same view as he does. However, this is precisely what undermines the criterion of reciprocity as well

as the principle of respect for people's liberty on which reciprocity is based. The danger of violating the criterion of reciprocity thus shows why respect for individual liberty requires epistemic reasonableness to remain an essential part of the conception of the reasonableness of persons.

4. The criterion of reciprocity: for the sake of respect for people's liberty, for the sake of political community

In the previous section we outlined the fundamentals of the mainstream approach to public reason liberalism that explains its moral basis by referring to the argument from liberty. We have shown that the argument based on respect for people's liberty responds to the 'why' question which concerns the very reasons for justification of the exercise of political power: unjustified political power is bad because it potentially violates people's natural liberty. By determining the principle of liberty to be a benchmark of the *Public Justification Principle*, any further consideration on the standards of such justification necessarily depends on it. Among these standards, the central place belongs to the criterion of reciprocity – as the basis of political legitimacy – as well as to the requirement of reasonableness. In other words, the reason why people ought to abide by the criterion of reciprocity is for the sake of respect for people's liberty. Respect for people's liberty simultaneously explains the requirement of reasonableness. Therefore, by abandoning the requirement of epistemic reasonableness, we would not only violate reciprocity as a source of justification of political power, but we would also undermine the principle of respect for people's liberty which substantiates the criterion.

However, despite its complexity driven by the need for an adequate explanation of the fundamental question preceding the *Public Justification Principle* itself, the first approach to public reason suffers from several shortcomings, one of which is particularly important. Specifically, although the liberty-based account addresses the threat coercive political power poses to individuals and their natural liberty, it does not consider its intrinsic benefits (Leland & Wietmarschen, 2017). Put in terms more familiar to participants in the debate, it insufficiently reflects on the role of political community and democratic values within public reason. This implies that if we remain content with the argument as it now stands, we will end up with a fairly impoverished and perhaps fragile view of political community. Such a 'democratic deficit' within the idea of public reason has been reflected in an emerging alternative approach to public reason. Several theorists have argued that the criterion of reciprocity is not necessarily rooted in considerations of liberty and that it should be explained by referring to the value of civic friendship (Ebels–Duggan, 2010, pp. 50–71; Lister, 2013; Leland & van Wietmarschen, 2017, pp. 142–147).

In fact, it was already Rawls (2005c, p. 447) who hinted in one of his later essays on the idea of public reason that the role of the criterion of reciprocity was not only to explain the nature of the justification of political power (and its legitimacy), but also 'to specify the nature of the political relation in a constitutional democratic regime as one of the civic friendship.' In *The Idea of Public Reason Revisited*, Rawls construed the criterion of

reciprocity in terms of a *duty of civility*, implying that the criterion imposes on us a moral obligation to explain to other citizens how the principles and policies we advocate could be supported by the political values of public reason.⁹ Citizens would thus violate their obligation towards their fellows if they appealed to unreasonable arguments in public deliberation.

Although Kyla Ebels-Duggan (2010, pp. 51–56) disputes whether the duty of civility should be understood as a genuine¹⁰ – that is, unconditional – moral *duty*, she advances the claim that the reason people are willing to accept the criterion of reciprocity is tied to the value of civic friendship. Recently, mainly Andrew Lister (2013, 2017) and R.J. Leland and Han van Wietmarschen (2017) have elaborated the civic-friendship based interpretation of the criterion of reciprocity. Lister explicitly criticizes the liberty-based approach to public reason: instead of claiming that justification of the exercise of political power secures respect for people's liberty, he suggests that the reason citizens accept reciprocity and thus avoid using unreasonable arguments in public deliberation is because they want to realise a valuable relationship with others (Lister, 2013, p. 106). In other words, the joint commitment to basing political power on public grounds (i.e., in public reason) realizes a valuable kind of relationship among citizens (Lister, 2013, p. 106). Leland and van Wietmarschen also propose an explanation of the criterion of reciprocity on the back of the value of civic friendship. They claim that adherence to the criterion makes possible robust forms of joint rule and civic friendship despite deep disagreement: because fidelity to the imperatives of reciprocity signifies the commitment to make political decisions on the basis of public considerations, reciprocity allows for the emergence of a robust sense of shared deliberation and joint rule. Viewed through the lens of civic friendship, reciprocity provides a shared conception of one another's interests – one that helps to realize an ideal of stable cooperation, meaning that citizens consider the exercise of political power to work to the benefit of everyone (Leland & van Wietmarschen, 2017, pp. 149–155).¹¹

The interpretation of the criterion of reciprocity in terms of civic friendship is of great significance for public reason, as it highlights the centrality of a *democratic* element within the very idea of public reason. While responding to the identified blind spot of public reason understood solely via the argument from liberty, it manages to remain faithful to the central commitments of public reason theorising. However, the problem with this interpretation of the criterion is that the said authors consider it an independent approach to public reason, potentially supplanting the liberty-based justification. If that were to be the case, however, it would have to provide an adequate answer to the 'why' question. In our view, the major variants of the interpretation of reciprocity interpreted via the argument from civic friendship do not even aspire to do that, proceeding instead directly from the criterion of reciprocity as originally provided by Rawls (Ebels-Duggan, 2010; Lister, 2013; Leland & van Wietmarschen, 2017). However, Rawls's account of public reason, including the duty of civility, is based on his previous acceptance of the argument from liberty substantiating the *Public Justification Principle* itself. Therefore, as we show in the following section, approaches to the criterion of reciprocity which refer to civic friendship have two options: either they accept the argument from liberty or they provide an answer to the 'why' question that is logically prior to the *Public Justification Principle* as the master principle of liberal public reason (Vallier 2018).

4.1. Why civic friendship cannot do the job on its own

It needs to be pointed out that the respective authors' attitudes to the argument from liberty are not uniform. For his part, Andrew Lister explicitly criticizes the argument from liberty, aiming to *replace* it with the argument from civic friendship. Although Lister also proceeds from Rawls's conception of public reason, he claims that the two interpretations of the criterion of reciprocity cannot go together. Consequently, he rejects reciprocity construed as respect for one's liberty. Specifically, Lister (2013, pp. 61–63) argues that the main problem with this interpretation – and thus with the argument from liberty as such – is that it equates the exercise of political power for unreasonable reasons with the 'naked exercise' of power. Such reasoning is incorrect, he writes, because people who exercise political power for unreasonable reasons do not necessarily simply threaten others – they may sincerely believe these (bad) reasons to be good reasons. Lister (2013, pp. 63–64) therefore maintains that people using non-public reasons in this way engage the rational faculties of their fellow citizens in the same way they engage their own. Lister also disputes the assumption that coercion is *pro tanto* bad. In Lister's view, the presumption against coercion is weak: not only does the *pro tanto* badness of coercion say nothing about the nature of the reasons necessary to justify coercion, but it also implies that 'if all coercion is bad in one respect, the absence of laws that would prevent coercion is also bad-in-one-respect, the same respect in which coercion is bad' (Lister, 2013, p. 70). Therefore, writes Lister, the argument about *pro tanto* badness of coercion by itself leads to the necessity of coercion.

Lister thus questions the liberty approach at the most fundamental level. Yet not only are we not convinced by his arguments (as we show below), but we also do not think that the argument from civic friendship he has developed can on its own provide an adequate answer to the 'why' question. With regard to his criticism of the liberty approach, what we see as particularly problematic is Lister's willingness to give up the epistemic reasonableness of persons (being a consequence of his argument that people who exercise political power for unreasonable reasons may sincerely believe these reasons to be good reasons). This is because, as we argued above, scratching the burdens of judgment from one's theory implies overlooking pluralism in people's reasoning and cognition. As a result, the fact of pluralism – as a central issue that public reason liberalism deals with – is not taken seriously here. In our view, this is an unavoidable corollary of Lister's argument.

As regards his criticism of the assumption of *pro tanto* badness of coercion, Lister departs from some quite abstract reasoning on moralised and unmoralised senses of coercion.¹² He argues that the liberty-based approach – and thus the assumption of *pro tanto* badness of coercion – is inevitably based on the unmoralised version of coercion because a moralised conception of coercion 'presupposes an account of what rights people have. Yet, the principle of public justifiability is meant to help us figure out what rights we have' (Lister, 2013, p. 69). Accordingly, he points to Gaus's Political Liberty Principle¹³ as an example of an unmoralised version of coercion, contrary to Gaus's own declarations. This is significant, because if coercion always clashed with individual rights (or some equivalent value/principle), there would be a 'very strong presumption' against it (Lister, 2013, p. 69).

If it does not, however, then no strong *pro tanto* reason against coercion arises. Because there is no such normative asymmetry, Gaus's liberty-based account of public justification is ultimately implausible in Lister's view (Lister, 2013, p. 72), and so are presumably other such accounts.

However, we may doubt that the process of public justification only makes sense if no rights – or more generally, no normatively relevant principles – are presupposed. It seems difficult to construe *liberal* justification of the exercise of political power strictly the unmoralised way, because liberal understanding of the legitimacy of political authority – as expressed in liberal public reason – is implicitly based on the presumption of natural liberty existing independently of the sphere of the political.¹⁴ The straightforward case would go like this (we draw here on Gaus, 2016, pp. 187ff.). The asymmetrical (moralised) version is equivalent to a principle 'whatever is not prohibited is permitted', which should sound familiar to any citizen of a constitutional (liberal) democracy that has a functional rule of law. Its rejection then entails acceptance of any of a family of contrasting principles whose spirit is nicely captured by Rainer Forst's fundamental requirement of 'reciprocal and general justification': this entails that each person has a moral duty to provide moral justification for her actions which cannot be reasonably (i.e. reciprocally and generally) rejected (Forst, 2012, p. 21).¹⁵ Unless such justification has been given, the action is morally wrong. As Gaus notes (Gaus, 2016, p. 191), many foremost egalitarian liberals such as Dworkin or Macedo accept similar versions of the principle, to the effect that no prior baseline of non-interference is admitted into the theory. However, behind the noble language of mutual justification there is simply the imperative 'whatever is not permitted is prohibited'. We believe this should sound ominous to any self-described liberal (to be fair, Forst does not place himself in the group).¹⁶

Moreover, although the main role of the Political Liberty Principle is to figure out what rights people have, Gaus certainly does not intend to consider it separately from his broader reasoning on public reason and public justification. The Political Liberty Principle follows from Gaus's Fundamental Liberal Principle¹⁷ which sets certain boundaries to people's moral entitlements (and obligations) in the sphere of social morality. In fact, Gaus's entire *The Order of Public Reason* is based on the centrality of social morality reconciling natural freedom with the demands of public – political – order (Gaus, 2011, p. 2). Lister (2013, pp. 73ff.) indeed goes on to discuss this broader context, arguing that Gaus still cannot uphold the asymmetry assumption, at least unless he introduces to his theory a shared reasons-element which he otherwise rejects (which, in turn, removes the 'classical liberal tilt' of Gaus's theory). But this is an issue specific to Gaus' convergence account of public reason and the 'political' worries it raises with egalitarians, so even if we grant Lister's objection for now, it does not seriously affect our present point, which is that *pro tanto* badness of coercion remains the core of a properly liberal approach to public justification. All in all, we conclude that Lister fails to show that public justification is independent of the moralised sense of coercion.

In addition to unconvincingness of Lister's criticism of the argument from liberty, it is also doubtful that he adequately answers the prior 'why' question he inevitably faces. Like Ebels-Duggan and Leland and van Wietmarschen, Lister proceeds from Rawls's understanding of the criterion of reciprocity (Lister, 2013, pp. 7–8). However, by rejecting

the principle of liberty as the benchmark of reciprocity, he simultaneously denies the very core of Rawls's argumentation. Accordingly, Lister believes that the criterion can be upheld solely by the argument from civic friendship. However, if it is really so, Lister would then also have to provide a standalone adequate answer to the fundamental question preceding the *Public Justification Principle* itself (and thus reciprocity as the standard of public justification). That is, why is it bad at all if political power as such is not justified by means of the criterion of reciprocity as described by Lister? Lister does not explicitly answer this fundamental question, focusing instead on reciprocity itself. As we have argued, however, without explaining why unjustified political power is to be avoided the *Public Justification Principle* as the master principle of the very idea of liberal public reason remains normatively incomplete. If he tried to answer this question anyway, Lister would have to say something along the lines that unjustified political power is bad because it prevents the formation of civic friendship. But this would be a fairly inadequate explanation of liberal public justification and public reason with which Lister otherwise sides: putting civic friendship, and civic friendship alone, at the heart of liberal political philosophy renders the result strangely remote from what liberalism has always been centrally concerned with, raising the question whether the argument from civic friendship is in itself robust enough to provide an independent basis of liberal public reason.

In contrast to Lister, both Ebels-Duggan and Leland and van Wietmarschen seem to either implicitly or explicitly acknowledge that their approach is in some ways inseparable from the argument from liberty. Ebels-Duggan focuses on the central question political liberalism faces: 'Given that we disagree, how should we organize our collective life?' (Ebels-Duggan, 2010, p. 50). Referring directly to Rawls, she argues that the answer arises from the duty of civility, which assumes that for the sake of civic friendship, citizens have an obligation towards their fellows to use only reasonably acceptable arguments in public deliberation (Ebels-Duggan, 2010, pp. 51–58). As argued above, however, Rawls's argumentation is much more complex and his interpretation of the criterion of reciprocity via the duty of civility presupposes the preceding reasoning on liberty as the benchmark of the whole process of public justification (Rawls, 2005a, pp. 68, 136–137, 217). In other words, had Rawls not answered in (conceptually speaking) a prior step the 'why' question, he would not (or could not) have later proposed the duty of civility. Since nowhere in the text does Ebels-Duggan reject the argument from liberty, nor does she provide a different explanation of the 'why' question that would refer directly to the argument from civic friendship (which would make it independent of the liberty-based approach), we infer that she implicitly accepts the argument from liberty more or less in the same way as Rawls does.

The same can be said about Leland and van Wietmarschen's approach. In fact, in a more recent article they explicitly state that their 'community-based justification is compatible with the standard view, so it is possible that the Reciprocity Principle is supported by considerations of respect as well as the value of joint rule and civic friendship' (Leland & van Wietmarschen, 2017, p. 144). They thus see the two as congruent, the difference between them lying in the fact that they refer to a different set of values – liberal and democratic, respectively (Leland & van Wietmarschen, 2017, p. 144). Nonetheless, they do not pursue the reconciliatory task which basically suggests itself, addressing in the rest of the article

only the argument from civic friendship in detail (Leland & van Wietmarschen, 2017, pp. 142–167). On the one hand, this is understandable because the civic friendship approach, as a fairly recent addition to public reason theorising, calls for further deepening. On the other hand, even Leland and van Wietmarschen leave unaddressed the (in our view necessary) link to the argument from liberty. But again, we infer from their broader position that they (1) do not aim to provide an alternative answer to the fundamental question regarding the badness of unjustified political power, and (2) are willing to accept the dual character of the criterion of reciprocity, thus taking on board our central idea that, as a basic normative ground of liberal public reason, the argument from civic friendship is inseparable from the liberty-based approach. If this is the case, then we also obtain a deep explanation and justification of the complementarity of the liberal and democratic sets of values which motivate diverse schools of public reason theorising, both within the dominant liberal current and beyond. Only a joint employment of the liberty-based and civic-friendship based arguments can do justice to both.

5. Conclusion

In this paper, we set out to respond to the alleged dualism in liberal public justification and public reason, which is sometimes understood as collapsing into either of two approaches – liberty-based and civic friendship-based. We argued that because the argument referring to civic friendship either inherently relies on the argument from liberty or does not provide an adequate answer to the fundamental ‘why’ question, it is advisable to construe liberal public reason as reconciling both perspectives, with the necessary link being provided by the criterion of reciprocity. This is, we believe, an important finding on its own. Our secondary and more general point is that while the liberty-based approach outlines the essentially liberal character of public reason, the argument from civic friendship proves that democratic ideals are also an undeniable part of it. Thusly construed, they form a complex liberal-democratic approach to public reason liberalism. This result could be of interest to those democratic theorists who tend to agree with Habermas (1995) in accusing liberal public reason of being too monological and disconnected from the public autonomy-generating process of democratic participation. But it should also provide some impetus to liberals who remain sceptical of the reconcilability of the core concerns of contemporary democratic theory with the public reason/public justification enterprise, as the latter departs from quite different assumptions.

Admittedly, many loose ends remain which we cannot aspire to tie up in one paper. For example, there is certainly much more behind the notion of reasonableness than we are able to accommodate here; similarly, the debate on the epistemology of disagreement is incomparably more complex, besides advancing at a rapid pace. Nevertheless, our main goal was to show how turning one’s attention to some less discussed aspects of the public reason project may ultimately lead to fairly fundamental conclusions regarding its nature. Accordingly, we believe that our comprehensive interpretation of the idea of public reason clears the way for dealing with other challenges the theory of public reason may face.

This time, moreover, the debate may also relate to criticism outside the reference frame of public reason.

Endnotes:

1. Although Rawls (2005a, pp. 16–17, 44–45, 446–447) uses the term ‘reciprocity’ in several places in *Political Liberalism* and speaks also about the ‘ideal of reciprocity’, his usage of the term ‘criterion of reciprocity’ adverts just to the assumption that when making shared political decisions, citizens must refer only to considerations that they can reasonably expect all reasonable citizens to accept. Hence, the criterion of reciprocity is deeply connected with Rawls’s conception of legitimacy, which has led some authors (e.g. Michael Perry and Christopher Eberle) to claim that the principle of legitimacy and the criterion of reciprocity are in fact the same (Rawls, 2005a, p. 137; Perry, 1999, p. 58; Eberle, 2002, p. 141). Even though authors following Rawls do not always use the same terminology (Larmore – similarly to Perry and Eberle – seems to synonymise reciprocity with legitimacy, while Leland and van Wietmarschen use the term ‘reciprocity principle’), all of them defend the same claim concerning the wrongness of imposing reasonably unacceptable arguments upon others during public deliberation (Larmore, 1996, 1999; Lister, 2013; Leland & van Wietmarschen, 2017; Weithman, 2011; Wenar, 2017).
2. The reason why we take Rawls’s understanding of the criterion of reciprocity as the departure point is that not only it is an important element of the first approach to public reason, but it also grounds the considerations within the second approach: all the authors we discuss in this paper proceed directly from Rawls’s understanding of the criterion of reciprocity (Ebels-Duggan, 2010, pp. 50–55; Lister, 2013, pp. 7–8; Leland and van Wietmarschen, 2017, pp. 142–143).
3. Rawls’s conception of reasonableness is the most familiar version of the qualified acceptability requirement as depicted by David Estlund who states that political power is now only legitimate if it is acceptable to all *qualified* points of view (Estlund, 2008, pp. 40–48).
4. Put somewhat crudely, the unreasonable’s assent is not sought, and their rejection of a proposed justification makes no difference. The proverbial Neonazi supporters may be fully rational in pursuing their idea of a good life and good society, but in doing so they certainly disrespect many other beliefs and their holders, and in this sense are unreasonable. The distinction between the rational and the reasonable is a familiar one, and there is little need to dwell on it for too long (see Rawls, 2005a, pp. 48–54; Boettcher, 2004; Weithman, 2011, pp. 273–287). Public justification as we have defined it obtains in Rawls’s world when each member of the public justifies from within his/her diverse comprehensive doctrine a political conception of justice and knows (is assured) that all others have done the same thing. The resulting ‘overlapping consensus’ thus unites rationality and reasonableness: while rationality (based on his second moral power, i.e. the capacity for a conception of the good) compels the agent to seek his own ends and interests, as expressed by his comprehensive doctrine, reasonableness (based on the first moral power, i.e. the capacity for a sense of justice) is a ‘social virtue’ assuming that a person takes into consideration other agents and the fact that they attempt to achieve their own ends. As Liveriero (2015, p. 526; see Moore, 1996, p. 169) puts it, while an agent may be rational even when living alone on the earth, for being reasonable, she needs others (or at least a second person) to cooperate with.
5. What merely rational agents lack is just the form of moral sensibility underlying the desire to engage in fair cooperation with others. What also sets rationality and reasonableness apart is that reasonable is public in a way that rational is not. As Rawls (2005a, pp. 53–54) argues, ‘it is by the reasonable that we enter as equals the public world of others and stand ready to propose, or to accept, as the case may be, fair terms of cooperation with them.’

6. For Rawls's original six-fold list see Rawls (2005a, pp. 56–57). It includes, among others, difficulty of ascertaining the relevance of available facts as well as of ranking their weight, certain natural cognitive limitations, or the varying experiences speaking to our interpretation of the facts.
7. This way, intellectual modesty opens up the space for the idea of epistemic peerhood. The notion of epistemic peerhood was introduced by Gary Gutting who defined it as equality given to epistemic virtues consisting in intelligence, perspicacity, honesty, thoroughness, etc. Other authors have added further conditions and requirements, such as familiarity with evidence and arguments that bear on the question at issue. An interesting debate on the epistemology of disagreement has emerged, which we unfortunately do not have the space to engage with (see Gutting, 1982, pp. 82–83; Kelly, 2005, p. 168; Christensen, 2007, pp.187–217; Elga, 2007, p. 487; Simpson, 2013, p. 563; Peter, 2013, pp. 598–620; Liveriero, 2015, p. 523).
8. Insisting on the epistemic reasonableness of persons nonetheless does not force us to accept Rawls's three criteria of reasonable comprehensive doctrines. As argued above, doctrines are diverse and so is their interpretation by particular agents. Furthermore, just because some doctrine sounds especially bizarre – for instance, one believing in an alien invasion of planet Earth – and qualifies as unreasonable according to Rawls's criteria (since it may lack coherence, be impervious to evidence, unintelligible, and so on), it does not follow that adherents to such a doctrine cannot be epistemically reasonable in the weaker sense – that is, they may very well accept that disagreement with their fellow citizens is insurmountable, and acknowledge intellectual modesty.
9. Rawls (2005a, p. 217) adds that 'the duty also involves a willingness to listen to others and a fair-mindedness in deciding when accommodations to their views should reasonably be made.'
10. Ebels-Duggan promotes so-called permissive political liberalism which rejects that people have an obligation to defend their views in public reason. Although she agrees that people have strong reasons to conduct their political inquiry within the guidelines of political liberalism, she denies they have an obligation to do so (Ebels-Duggan, 2010, pp. 50–71).
11. As Leland and van Wietmarschen (2017, p. 155) argue, 'reasonable citizens are committed to deliberate about political issues together with their fellow citizens in terms of a particular set of considerations, conditional on their fellow citizens being likewise committed, and in the knowledge that they are so committed. This structure of interlocking attitudes realizes a robust sense of shared deliberation.'
12. 'In a descriptive, unmoralised sense, coercion involves threats of harm intended to replace the threatened agent's judgment about what she should do with the judgment of the threatening agent. In a moralised conception, coercion involves threats of harm that violate the threatened person's rights' (Lister, 2013, pp. 68–69).
13. '1) A citizen is under no standing obligation to justify her actions to the state. 2) All use of force or coercion by the state against the persons of its citizens requires justification; in the absence of such justification, such force or coercion by the state is unjust' (Gaus 2010, p. 239).
14. In fact, Rawls himself has it that political power is always coercive: as government alone has the authority to use force in upholding its laws, there must be a general presumption in favour of liberty serving as a benchmark of political legitimacy (Rawls, 2005a, p. 136).
15. Chris Melenovsky (2019, p. 442) notes, besides criticising Gaus's use of the Principle of Natural Liberty on other grounds as well, that there are other alternatives, such as the utilitarian principle to act in such a way that produces the most happiness. But this would take us too far from our main point.
16. Gaus (2016: 196) further argues that the Forst-Dworkin-Macedo type of principle stifles moral innovation and discovery, but this is again largely unrelated to our present point.
17. 'It is *prima facie* morally wrong for Alf to coerce Betty, or employ force against her. 2) With sufficient justification, the use of coercion or force by Alf against Betty may be morally justified' (Gaus, 2003, p. 139).

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