

# INCOHERENT BUT REASONABLE: A DEFENSE OF TRUTH-ABSTINENCE IN POLITICAL LIBERALISM

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## ABSTRACT

A strength of liberal political institutions is their ability to accommodate pluralism, both allowing divergent comprehensive doctrines as well as constructing the common ground necessary for diverse people to live together. A pressing question is how far such pluralism extends. Which comprehensive doctrines are simply beyond the pale and need not be accommodated by a political consensus? Rawls attempted to keep the boundaries of reasonable disagreement quite broad by infamously denying that political liberalism need make reference to the concept of truth, a claim that has been criticized by Joseph Raz, Joshua Cohen, and David Estlund. In this paper, we argue that these criticisms fail due to the fact that political liberalism can remain non-committal on the nature of truth, leaving the concept of truth in the domain of comprehensive doctrines while still avoiding the issues raised by Raz, Cohen, and Estlund. Further substantiating this point is the fact that Rawls would, and should, include parties in the overlapping consensus whose views on truth may be incoherent. Once it is seen that political liberalism allows such incoherence to reasonable parties, it is clear that the inclusion of truth and the requirement of coherence urged by Raz, Cohen, and Estlund requires more of reasonable people than is necessary for a political consensus.<sup>1</sup>

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## INTRODUCTION

Political liberalism aims to discover institutions that can be justified to deeply diverse citizens, citizens who disagree on basic matters of faith, morality, and metaphysics. A pressing question, however, is how much disagreement can be accommodated. Not just any views can be accounted for by political liberalism – doctrines which are patently unreasonable or refuse to tolerate disagreement, for example, need not be included in the political consensus. Although certain *practical* incompatibilities may render cooperation impossible, political liberalism strives to accommodate a very wide range of *theoretical* views, a diversity limited only by what Rawls calls “reasonableness.” We argue that reasonableness is a practical criterion, one which places few requirements on the theoretical aspects of comprehensive doctrines. As we will see, one of the ways in which it accomplishes this is by avoiding deep and controversial questions regarding the nature of moral obligation, of truth, and of the conceptual connections between such notions.

Many critics, most notably Joseph Raz, Joshua Cohen, and David Estlund, believe this approach to be deeply mistaken.<sup>2</sup> They argue that political liberalism requires a commitment to truth, claiming that incoherence results from leaving out the concept of truth altogether. The commitment of political liberalism to truth, however, is rejected by John Rawls. Rawls asserts that political justification functions without recourse to the concept of truth: “[Political constructivism] does not...use (or deny) the concept of truth; nor does it question that concept, nor could it say that the concept of truth and its idea of the reasonable are the same. Rather, within itself the political conception does without the concept of truth.”<sup>3</sup> The foundations of political liberalism, Rawls maintains, may proceed without recourse to the concept of truth. Indeed, as we will argue, the aims of political liberalism require the avoidance of truth claims.

In Section 1, we present the critiques of Raz, Cohen, and Estlund along with their proposal of Conception Indifference, arguing in Section 2 that Conception Indifference is incompatible with two of Rawls’s commitments: his notion of reasonableness and the publicity condition. Section 3 then explains how, by remaining radically incomplete, political liberalism avoids the heavy costs that Rawls’s critics ascribe to truth-abstinence. Thus, while Section 2 lays the groundwork for demonstrating the high cost of maintaining Conception Indifference, Section 3 compares the cost of doing so to the cost of avoiding the concept of truth altogether. The main upshot of our analysis is that Conception Indifference is more costly and truth-avoidance less costly than Rawls’s critics suppose. In Section 4, we refocus the discussion and respond to each of Rawls’s critics in turn, ultimately concluding that truth abstinence within political liberalism

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<sup>2</sup>See Cohen (2009), Estlund (1998), and Raz (1990). For earlier criticisms, see Gardiner (1985) and Hampton (1989), especially p. 807. Habermas (1995) is also critical of Rawls’s failure to appeal to the concept of truth.

<sup>3</sup>See Rawls (2005), p. 94.

withstands the criticisms of Raz, Cohen, Estlund, and others who criticize it on the basis of some alleged connection between truth and political justification.

## 1 RAWLS’S CRITICS

There have been several criticisms leveled against Rawls’s exclusion of the concept of truth from political constructivism. One important critique comes from Joseph Raz, who argues that the acceptability of Rawls’s theory of justice is inconsistent with a refusal to assert its truth. In Raz’s view, regarding a principle of justice as acceptable entails regarding the principle as true:

To recommend [a theory of justice] as a theory of justice for our societies is to recommend it as a just theory of justice, that is, as a true, or reasonable, or valid theory of justice. If it is argued that what makes it *the* theory of justice for us is that it is built on an overlapping consensus and therefore secures stability and unity, then consensus-based stability and unity are the values that a theory of justice, for our society, is assumed to depend on. Their achievement – that is, the fact that endorsing the theory leads to their achievement – makes the theory true, sound, valid, and so forth. This at least is what such a theory is committed to. There can be no justice without truth.<sup>4</sup>

According to Raz, if a political conception is acceptable as the focus of an overlapping consensus and if this acceptability vindicates its principles, then the political conception must be “true, sound, valid, and so forth” in virtue of its ability to serve as the focus of an overlapping consensus. In other words, recommending a theory of justice (according to any given standard) commits one to asserting that the theory is true. If Raz is correct and if Rawls does, in fact, assert that his theory of justice satisfies the proper normative-political standards of acceptability, then Rawls also claims – perhaps unwittingly – that his theory of justice is true, thereby failing to avoid the concept of truth as he had hoped to.

In a similar vein, Joshua Cohen sees a contradiction in being non-committal with respect to the concept of truth while still employing other concepts closely related to truth. Many of the activities associated with political deliberation appear to be conceptually connected with truth – activities such as “thinking, asserting, believing, judging, and reasoning”<sup>5</sup> – and thus it is problematic to employ these concepts in political deliberation while simultaneously eschewing all reference to truth. One of the activities that Cohen explores in detail is that of believing. Many hold that beliefs aim at being true, and that insofar as a person accepts the falsity of a proposition, they cease to believe it.<sup>6</sup> If this is correct – and, we must admit, it seems quite plausible – then by believing that

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<sup>4</sup>See Raz (1990), p. 15. Emphasis in the original.

<sup>5</sup>See Cohen, p. 15.

<sup>6</sup>See Williams (2002), p. 67. For further work on truth as the aim of belief, see Brandom (2001), Chan (2013), Railton (1994), Shah (2003), Velleman (2000 and 2005), Wedgwood (2002), and Whiting (2010 and 2013).

$p$ , a person undertakes a mental commitment to the truth of  $p$ . It is therefore unclear how parties to the overlapping consensus can believe the accepted conception of justice without simultaneously affirming its truth. For such reasons, Cohen maintains, Rawls's vision of political deliberation cannot proceed without some concept of truth.

What does political liberalism need in order to not be driven to incoherence? Cohen opts for a political conception of truth, a conception that is meant to remain neutral between various theories of truth by saying nothing that correspondence theorists, pragmatists, or deflationists would deny. Instead, it sticks to a basic set of platitudes concerning the concept of truth to which all parties to the debate can agree: (1) Believing, asserting, and judging is to believe, assert, or judge to be true, (2) True beliefs present things as they are, (3) There is a distinction between justified belief and true belief such that a political belief can be justified and yet not true, and (4) Truth is important in a way that is distinct from justification.<sup>7</sup> By adopting (1)-(4), Cohen thinks that public reason will then be able to proceed on steady ground, able to make sense of belief, assertion, and reasoning with recourse to the political conception of truth.

Whereas both Raz and Cohen emphasize the apparent incoherence of engaging in public deliberation while rejecting the concept of truth, David Estlund focuses on normative issues, arguing that the inconsistency in Rawls's thought lies in the avoidance of truth along with the claim that Rawls's principles of justice can create actual moral obligations or justify coercion. On Rawls's view, reasonableness can play the role of truth in political deliberation by adjudicating between competing conceptions of justice. The political conception that constitutes the focus of an overlapping consensus attains vindication via its reasonable acceptability, not its truth.<sup>8</sup> Against this suggestion, Estlund argues that such acceptance fails to adequately ground moral obligations and political coercion:

Suppose, in order to avoid the truth, we understand political liberalism not as ordering an account of the true standard but simply as using a standard that is acceptable to all reasonable people (the standard itself being acceptability to reasonable people)...The question is whether it could ground obligation and justify coercion even if the acceptance criterion it uses were not true. Never mind for the moment whether political liberalism says anything on this question; the answer to the question is that it could not have those moral consequences irrespective of the truth on those matters.<sup>9</sup>

Thus, according to Estlund, if Rawls maintains his ambivalent attitude towards

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<sup>7</sup>See Cohen (2009), p. 27.

<sup>8</sup>For the sake of brevity and focus, we gloss over tricky ambiguities in Rawls's justificatory approach. For alternative ways of interpreting Rawls's project, see Barry (1995), Dreben (2003), and Gaus and van Schoelandt (2017).

<sup>9</sup>See Estlund (1998), pp. 261-262.

truth, his theory of justice cannot generate moral obligations for the reasonable participants in the overlapping consensus.

To drive his point home, Estlund asks us to consider the following thought. Rawls wants us to believe that what matters in political deliberation is acceptability to reasonable people. But why should acceptance by such a group matter? Perhaps the principle of reasonable acceptability must pass its own test, that is, the principle of reasonable acceptability must be acceptable to all reasonable people. But this necessary condition does not suffice to establish the normative import of reasonable acceptability. After all, there are plenty of self-affirming groups we could choose from – acceptability to all redheads, or to all members of the Branch Davidian cult, for instance – but what is lacking is a criterion for favoring one of these groups over the others. One response, that reasonable people tend to settle on true principles of justice, is not available to Rawls due to his forbearance of truth. Estlund thinks that without claiming that reasonable acceptability is the “true” standard of admissibility in public discourse, Rawls’s “view loses any way to select among the plurality of insular groups, and it becomes untenable.”<sup>10</sup> Without specifying why acceptability to reasonable persons is a better standard than acceptability to Branch Davidians, Rawls’s account fails to justify his particular principles of justice. Insofar as Rawls fails to justify his principles of justice, Rawls also fails to explain why the overlapping consensus gives rise to moral obligations. An agreement amongst all Branch Davidians would not give rise to such obligations, so why think that a consensus of reasonable people would? In order to remedy this deficiency, Estlund offers a proposal about how to introduce truth back into public reason. On Estlund’s view, parties to the overlapping consensus need merely accept a minimal “truth schema” —  $p$  is true if and only if  $p$  — and that such a schema is sufficiently minimal to function as a public conception of truth. The point may seem minor, but Estlund hopes that, by accepting a conception of truth back into political liberalism, public deliberation will be able to provide an appropriate ground for moral obligations.

Even some of Rawls’s defenders find Estlund’s minimal conception of truth acceptable within a Rawlsian framework. Jonathan Quong, for example, though critical of Estlund’s overall argument, recognizes that Rawls does (and must) make various claims in justifying his favored political conception. Quong notes that there must be “a sense in which Rawls thinks all these claims are true, a sense in which Rawls contends someone would be making an error if they were to affirm the opposite of any of these claims. Let us say that these claims must be true in a mundane sense. Here we can follow David Estlund and say that  $P$  is true in the mundane sense if and only if  $P$ .”<sup>11</sup> Although our interpretation of Rawls has certain affinities with Quong’s, we believe that Rawls endorses an even more radical form of truth-abstinence than Quong suggests. As we argue

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<sup>10</sup>Ibid, p. 260.

<sup>11</sup>See Quong (2011), p.224.

in Section 3, even the minimal or “mundane” conception of truth poses problems for Rawls’s project, while its avoidance does not raise the issues that worry Rawls’s critics.

All three criticisms of Rawls object to the same, stringent doctrine concerning the role of truth in political justification:

**No Political Concept** – Political Constructivism does not appeal to the concept of truth, remaining noncommittal about the role of truth in political justification and about which, if any, concepts it employs are conceptually linked to truth

Neither Raz, Cohen, nor Estlund think that Rawls can get by with No Political Concept. Raz thinks that the act of recommending a principle of justice is conceptually linked to truth. Cohen argues that there are several concepts at play in deliberation – belief, assertion, and reasoning – that are conceptually connected to truth. Estlund holds that justifying obligations and coercion requires a foundational doctrine that is in fact true. All of these critiques are unique – claiming that the principles of justice must be true is quite distinct from requiring that a standard of reasonable acceptability is true. What unites Rawls’s critics, however, is the thought that justifying political liberalism ultimately depends on the concept of truth.<sup>12</sup>

An attractive alternative to truth-abstinence, suggested by Rawls’s critics, can be formulated as follows:

**Conception Indifference** – Political liberalism appeals to the truth of some claims and employs concepts that are conceptually connected to truth, but it need not adjudicate between competing theories of truth<sup>13</sup>

The benefit of Conception Indifference is that it can address all of the previous worries without being too exclusive. Rawls could simply agree with his critics that truth does have an important role to play in establishing the structure and role of political discourse without identifying a uniquely correct theory of truth. This thin concept of truth could then be used to respond to the critiques of Raz, Cohen, and Estlund, or so the story goes.

## 2 THE INCOMPATIBILITY OF CONCEPTION INDIFFERENCE

The criticisms of Raz, Cohen, and Estlund seem to provide good reasons to question the eschewal of truth that Rawls advocates. However, to reject Rawls’s approach before considering the reasons for Rawls’s abstention from this concept

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<sup>12</sup>Thank you to an anonymous reviewer from this journal for asking us to clarify the relationship between the three critiques of Rawls. Even though Raz, Cohen, and Estlund argue that Rawls needs truth at different points, the objections are united in thinking Rawls cannot do without an appeal to truth.

<sup>13</sup>Versions of Conception Indifference are explicitly endorsed by Cohen (2009) and Estlund (1998).

would, of course, be premature. In fact, examining the reasons that Rawls states for avoiding truth reveals an incompatibility between Conception Indifference, the notion of reasonableness, and Rawls's publicity condition. This section begins by examining Rawls's notion of reasonableness, with a particular emphasis on why a reasonable person may not be able to endorse a conception of truth. We then turn to Rawls's motivation for avoiding the concept of truth, arguing that involving the concept of truth in the procedure of political constructivism would undermine key goals of Rawls's project.

## 2.1 THE REASONABLE

Unravelling the meaning of "reasonable" is no simple task.<sup>14</sup> The two most important uses of the "reasonableness" concern (1) reasonable doctrines<sup>15</sup> and (2) reasonable persons. For the topic of political constructivism, it is the second of these two notions that plays a dominant role. In Lecture III of *Political Liberalism*, Rawls identifies two key features of reasonable persons:

The idea of the reasonable is given in part, again for our purposes, by the two aspects of persons' being reasonable: their willingness to propose and abide by fair terms of social cooperation among equals and their recognition of and willingness to accept the consequences of the burdens of judgment.<sup>16</sup>

In other words, a reasonable person is a conditional, rule-following cooperator, and tolerates diverse viewpoints in light of the difficulty of coming to conclusions on matters of faith, morality, and other fundamentals.<sup>17</sup> For a reasonable person then, the most attractive political conception of justice will be one that all could recognize as adequate, one that is acceptable, even if not ideal, from the perspectives of diverse citizens.<sup>18</sup> Such a conception, Rawls submits, is one that is built up from values that all endorse, values that are not particular to any comprehensive doctrine. Therefore, citizens, insofar as they are reasonable, recognize that a political conception of justice based on commonly held values and conceptions is one that is worthy of endorsement. Such a conception could thus operate as the focus of an overlapping consensus among all reasonable

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<sup>14</sup>For more on the interpretive difficulty surrounding reasonableness, see Wenar (1995).

<sup>15</sup>For the three features of a reasonable doctrine, see Rawls (2005), p. 59.

<sup>16</sup>Ibid, p. 94

<sup>17</sup>Emphasis on the conditional and rule-following aspects of reasonableness can be found in Rawls (2005), p. 49.

<sup>18</sup>In a paper not addressed here, Estlund raises potential issues with the compromise approach, arguing that it results in mere "ersatz" justice, rather than true, bona fide justice (Estlund 2012, pp. 262-7). Though interesting and important, this argument falls outside the purview of this paper. Worth noting is that Rawls explicitly rejects a compromise approach, arguing instead that the political conception can find support within the various comprehensive doctrines affirmed by reasonable citizens, (Rawls 1996, pp. 170-1). Reconciling the rejection of the compromise approach with Rawls's later acknowledgement that reasonable citizens endorse a diverse plurality of liberal conceptions of justice raises serious interpretive difficulties. For an exploration of this topic, see Gaus (2014), (2018).

persons.<sup>19</sup> Reasonable citizens must therefore satisfy Reasonableness:

**Reasonableness** – Citizens are reasonable if they are willing to accept and abide by fair terms of cooperation and to tolerate other viewpoints due to their recognition of the burdens of judgment

An important feature of the reasonable, or rather, an important omission, is that reasonable persons need not hold correct beliefs. The conception of a reasonable person is purely practical, not epistemic or, in Kantian terms, theoretical.<sup>20</sup> So long as persons meet certain basic requirements that allow us to live peacefully alongside them – namely, Rawls’s two features of reasonableness – we can come to political agreement.

The critical importance of this characterization of reasonableness becomes evident upon considering concrete cases. Consider, for example, that Reasonableness does not exclude a citizen who holds Classical Political Noncognitivism from the overlapping consensus:

**Classical Political Noncognitivism** – Political assertions are neither true nor false<sup>21</sup>

What is the motivation for such a view? Propositions pertaining to political life are often normative in nature, discussing norms of justice and obligation. Philosophers who endorse moral noncognitivism about normative domains would thus be drawn to a variety of political noncognitivism. Moral noncognitivism, of course, has a distinguished history. Beginning with emotivists like A.J. Ayer and C.L. Stevenson, there have been a wealth of examples of noncognitivists, including Hare’s prescriptivism, Blackburn’s quasi-realism, and Gibbard’s expressivism.<sup>22</sup> There are thus a number of moral noncognitivists who would likely give a noncognitivist account of discourse about justice and political obligation, securing the motivation for political noncognitivism.

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<sup>19</sup>To simplify the discussion, we focus on the notion of reasonableness as applied to persons rather than to doctrines. As applied to doctrines, the meaning of reasonableness is obscure. Wenar (1995) argues that its original definition is far too permissive to achieve what Rawls wants. When drastically modified by Rawls (1997) in his later work, it becomes too stringent, since a reasonable doctrine must countenance “the essentials of a constitutional democratic polity”. This second characterization is as problematic as the first, since it threatens to render Rawls’s project trivial (see our Section 3).

<sup>20</sup>See Rawls (2005), p. 93.

<sup>21</sup>We label this doctrine *classical* in order to distinguish it from the many forms of noncognitivism that accept some minimalist version of truth; see our next paragraph. Throughout this paper, we use the term ‘political noncognitivism’ and its cognates to stand for Classical Political Noncognitivism unless otherwise indicated.

<sup>22</sup>For examples of classical moral noncognitivism, see Ayer (1936), ch. 6, and Stevenson (1937). For updated versions of non-cognitivism that maintain that moral judgments are neither true nor false, see Blackburn (1984), Gibbard (1990), and Hare (1952). Blackburn’s later views, however, adopt a minimal theory of truth, an issue we deal with later in this section.

Is political noncognitivism a reasonable view? The first reason to think so is that the motivation for moral noncognitivism encompasses political noncognitivism as well, so if moral noncognitivism is a reasonable view, then so is political noncognitivism. Certainly, persons endorsing moral noncognitivism *could* be reasonable – they could be conditional cooperators who recognize the burdens of judgment. Moral noncognitivists like A.J. Ayer and C.L. Stevenson could thus conduct themselves in the ways necessary for forming a political consensus, satisfying Reasonableness and entering into the sphere of liberal political polity. There is no guarantee, of course, that political noncognitivists will be rule-following cooperators, but there is also nothing in the doctrine that prevents them from being reasonable. Moral or political noncognitivists need not be beholden to an emotivist metaethic either – Hare’s prescriptivism, Blackburn’s quasi-realism, and Gibbard’s expressivism would all qualify as well. Hence, there are a number of routes to formulating a reasonable political noncognitivism, and if Rawls required that all the comprehensive doctrines included in the overlapping consensus regard political propositions as true, then a reasonable view held by reasonable persons would be excluded.<sup>23</sup>

One issue that could count against political noncognitivism is the worry that it cannot make sense of political reasoning and debate. Moral noncognitivism has long attempted to answer the Frege-Geach problem, the worry that noncognitivism cannot give an account of valid arguments involving moral premises and conclusions.<sup>24</sup> This defect would then carry over to political noncognitivism. Elijah Millgram claims that, within political noncognitivism, political views “are not held for reasons” and thus are not up for debate at all.<sup>25</sup> If this charge is correct, then political noncognitivists will not be able to participate in political debate, handicapping their participation in the overlapping consensus.

There are reasons to think, however, that political noncognitivists need not accept Milgram’s characterization of their position. A number of responses have been given to the Frege-Geach problem, including replies by Hare (1952) and (1970), Blackburn (1984), and Gibbard (1990).<sup>26</sup> What is at stake is, not whether these defenses succeed, but whether it is reasonable to think that they do. If it is reasonable to think that Hare, Blackburn, or Gibbard offer a solution to moral cognitivism’s issues with normative reasoning, then the same solution can be applied to political noncognitivism, securing a view on which Classical Political Noncognitivism can also give an account of political reasoning. Given that moral noncognitivists could accept the solutions of Hare, Blackburn, or

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<sup>23</sup>Beyond all of the moral noncognitivists who are also committed to political noncognitivism, political noncognitivism is also explicitly discussed by Estlund (1998), Jaffa (1957), George (1996), Goldsworthy (1996), Kliemt (1986), Milgram (2005), Misak (2002), Moser (1979), and Oppenheim (1957).

<sup>24</sup>For more on the Frege-Geach problem, see Schroeder (2008).

<sup>25</sup>See Milgram (2005), p. 248.

<sup>26</sup>Others have responded to the concern that moral noncognitivism cannot account for moral reasoning, an issue raised by Dorr (2002) – see Budolfson (2011), Lenman (2003), and Mabruto (2013).

Gibbard without failing to satisfy Reasonableness, this is a strategy that political noncognitivists could adopt as well. This does not mean that political noncognitivists might fail to be liberal in other ways – they could refuse to cooperate or deny the burdens of judgment – but political cognitivists could also fall into these traps. Thus, there seems to be no reason in principle to exclude political noncognitivists from the political consensus.<sup>27</sup>

Moral noncognitivism has of course received a contemporary update in terms of how moral assertions interact with truth. A number of noncognitivists now accept that moral assertions are minimally true according to Horwich’s minimal theory of truth. Because we regard sentences with normative predicates as properly featuring in the truth schema, noncognitivists can thus accept that moral statements are minimally true.<sup>28</sup> Political noncognitivists might also make the same move, accepting that political statements are minimally true instead of neither true nor false. Even though this option is available, there are two reasons that this does not undermine the need to make room for political noncognitivists in the overlapping consensus. First, a reasonable person could doubt that adopting truth minimalism is the way forward for moral noncognitivism. Indeed, many believe that accepting truth minimalism fails solve noncognitivism’s most pressing difficulties.<sup>29</sup> Furthermore, even if updated political noncognitivism is an objectively stronger view than its more classical formulation, this does not entail that all political noncognitivists will recognize this fact. Citizens need not adopt the optimal versions of their doctrines in order to be included in the scope of the reasonable; there is no requirement that reasonable persons be perfectly rational.

Rawls’s critics assert that the political noncognitivist who affirms political liberalism is incoherent; such an individual endorses views that entail the concept of truth even while denying the applicability of this concept. Suppose, for a moment, that these criticisms are correct. Crucially, such an individual might still be included in the justificatory constituency, since such an individual, despite holding incoherent views, might still be a tolerant, rule-following cooperator with unhampered practical reasoning faculties who endorses the conceptions and values latent in the public political culture. These practical features, on Rawls’s view, are sufficient to enable beneficial cooperation, perhaps even mutual respect. Requiring more is unnecessary. Indeed, it would seem preposterous to exclude a cooperative, law-abiding philosopher from the political consensus simply because she has a conceptual incoherence in her philosophical theory. The surprising upshot is that reasonable people, in Rawls’s terminology, may be conceptually incoherent. More to the point, reasonable persons will often

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<sup>27</sup>Thank you to an anonymous reviewer from this journal for pressing the objection that noncognitivism may undermine political reasoning.

<sup>28</sup>Those who endorse truth minimalism for moral noncognitivism include Horwich (1993) and Stoljar (1993)

<sup>29</sup>See, for example, Divers and Miller (1994), Dreier (1996 and 2004), Schroeder (2008), p. 716, and Sinnott-Armstrong (2000).

seem incoherent from the perspectives of those who hold conflicting comprehensive doctrines. Yet, this seeming incoherence does not undermine the potential for peaceful cooperation under shared terms of agreement, because this alleged incoherence is orthogonal to reasonableness.

## 2.2 WHY AVOID TRUTH? THE PUBLICITY CONDITION

Perhaps this should not be surprising. After all, throughout *Political Liberalism*, Rawls describes the central problem that he intends to address as concerning the possibility of attaining a wide consensus in a diverse population: “How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?”<sup>30</sup> Presumably, this wide consensus aims to include diverse doctrines with mutually incompatible beliefs. Indeed, it must also include that the wide swath of citizens whose worldviews are not fully or systematically worked out.

The case of Political Noncognitivism combined with the stated aim of *Political Liberalism* together clarify why Rawls sought to avoid appealing to the concept of truth. If citizens endorse diverse comprehensive doctrines, then insofar as the task of a political conception of justice is to reconcile these disparate doctrines and to function as the focus of an overlapping consensus – to this extent, a political conception of justice must aim to be compatible with various divisive philosophical or religious commitments.<sup>31</sup> One such commitment is the nature of truth and its relation to normative propositions, including political propositions. Since, by hypothesis, all citizens are committed to achieving a mutually acceptable conception of justice, using the reasonable as a standard by which to test conceptions of justice is less divisive than using truth as a standard. In other words, various comprehensive doctrines may not countenance the concept of truth, and avoiding the concept of truth in political constructivism allows those who hold such doctrines to endorse the focus of the overlapping consensus without contradicting their own particular comprehensive doctrines. As Rawls writes:

One thought is that the idea of the reasonable makes an overlapping consensus of reasonable doctrines possible in ways the concept of truth may not.<sup>32</sup>

And again:

Political constructivism doesn’t use this idea of truth, adding that to assert or deny a doctrine of this kind goes beyond the bounds of a political

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<sup>30</sup>See Rawls (2005), p. xviii. See also pp. 24, 90, 97, and 100-101.

<sup>31</sup>Of course, “reconciliation” here is understood in practical, not theoretical terms. To reconcile diverse doctrines does not mean to discover and explain how their various commitments are ultimately consistent. It is, rather, to show how reasonable citizens can endorse a shared conception of justice despite comprehensive disagreement. Their interpersonal interactions can be reconciled, without their comprehensive doctrines being so reconciled.

<sup>32</sup>Ibid, p. 94.

conception of justice framed so far as possible to be acceptable to all reasonable comprehensive doctrines.<sup>33</sup>

Rawls’s strategy of truth-avoidance comes in the form of “political constructivism,” a procedure in which Rawls leverages certain conceptions of the person and of society that he takes to be implicit in the culture of any liberal democratic society. Due to their latent presence in the public culture, such conceptions are—at least implicitly endorsed by all citizens. In this way, any principles of justice that emerge from these commonly held values could also be endorsed by all citizens in the liberal democratic society. Such principles would, almost by definition, achieve acceptance among reasonable persons.

By employing his constructivist procedure, Rawls is able to satisfy a desideratum that he calls the “publicity condition.”<sup>34</sup> A society can satisfy the publicity condition on three distinct levels of increasing demandingness:

- 1) Citizens know and accept a single conception of justice. In addition, they accurately and justifiably believe, as a part of common public knowledge, that society’s institutions satisfy the demands of this conception of justice.
- 2) Citizens affirm the same empirical, social facts that are relevant to political justice.
- 3) The full justification (i.e. the argument in support of) the political conception of justice is publicly known or publicly available.<sup>35</sup>

To appreciate the importance of this condition, recall the aim of political liberalism and the function of political constructivism.<sup>36</sup> As mentioned above, Political Liberalism seeks to offer an account of how “a plurality of reasonable doctrines, both religious and nonreligious, liberal and nonliberal, may endorse” a single political conception of justice. To this end, a constructivist procedure draws solely from society’s stock of shared values and conceptions, namely those that are implicit in the public political culture. All three levels of publicity concern the understanding and endorsement of the political conception, its realization, and the reasons that underlie and justify it. Without satisfying all three levels, some citizens in such a society cannot fully, cognitantly endorse the governing political conception of justice. Therefore, satisfying the publicity condition is necessary for fully realizing the aim of *Political Liberalism*:

**Publicity** – All reasonable citizens can access and endorse the political conception of justice that regulates society, including the reasons put forward as its justification

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<sup>33</sup>Ibid, p. 114.

<sup>34</sup>Ibid, p. 66.

<sup>35</sup>Ibid, pp. 66-67

<sup>36</sup>Rawls cites several reasons for the importance and desirability of satisfying the publicity condition. We focus on the reason that lies closest to the core of his project. For a deeper discussion of the importance of publicity, see Kogelmann, 2017.

The method of political constructivism is devised as a means of making the political conception understandable and justifiable to the citizenry as a whole – i.e. as a means of satisfying the publicity condition.<sup>37</sup> It is this desideratum that drives Rawls to avoid truth, and to instead employ the public conception of reasonableness as the standard by which to judge a political conception of justice. The concept of truth, being denied or doubted by many reasonable citizens, appears to be inconsistent with the ideal of publicity, and therefore with the aim of political liberalism. Despite the fact that political noncognitivism is a theoretical claim, it places limitations on how the public commitment to liberal values can be justified.

### 2.3 JOINT IMPOSSIBILITY

We have struck upon an inconsistency between Conception Indifference, Reasonableness, and Publicity. Reasonable citizens need only be social cooperators who recognize the burdens of judgment to qualify as reasonable, but these features (1) permit truth-rejecting doctrines, such as Political Noncognitivism, and (2) lead citizens to endorse the methodology of political constructivism, in which the political conception must be worked up from *shared* conceptions so as to achieve Publicity. Given that reasonable people who do not agree with using truth in political constructivism are possible, how should Rawls proceed? The first option would be rejecting Conception Indifference and continuing to eschew the concept of truth, leaving Rawls’s project open to the criticisms of Raz, Estlund, and Cohen. Leaving behind No Political Concept, on the other hand, would mean either adjusting the conception of ‘reasonable doctrine’ to be more stringent, thereby requiring a less broad consensus, or giving up on the publicity condition and accepting that some reasonable persons will be unable to endorse the political conception of justice. In other words, Rawls must either defend his method of truth-avoidance or he must sacrifice a core ambition of *Political Liberalism*: providing a justification, endorsed by all reasonable doctrines in a pluralistic democratic society, for a political conception of justice.

## 3 THE (LOW) COST OF NO POLITICAL CONCEPT

Should Rawls drop No Political Concept, or should he remain steadfast in excluding truth from his constructivist argument for the political conception of justice? Let’s evaluate the relative costs of these two options in light of our previous discussion.

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<sup>37</sup>For a concise summary and criticism of Rawls’s method of constructivism, see Klosko (1997). For an account of the evolution of Rawlsian constructivism over Rawls’s life, see O’Neill (2002).

### 3.1 DROPPING NO POLITICAL CONCEPT

We have identified two ways to pay the price of incorporating truth into the justification of a political conception of justice. The first is by tightening the conception of reasonableness so that only persons or doctrines that affirm some concept of truth, or at least do not reject it, receive full justification from their own point of view. The second is by dropping or weakening the publicity condition, so that not every reasonable citizen can view the governing political conception of justice as acceptable and fully justified.

First, consider Rawls's conception of reasonableness. The appropriateness of this construal of reasonableness is apparent when one recalls that Rawls's project is to achieve a political conception of justice and a justification thereof that a deeply diverse citizenry can endorse. The conception of reasonableness that Rawls posits is a plausible answer to the following question: What are the most basic requirements that citizens must meet in order for them to agree on and abide by a single conception of justice? As the stringency of reasonableness increases, the diversity of those who must endorse the governing conception of justice decreases. If we consider reasonable only those who hold appropriately coherent or true beliefs – according to some understanding of what makes a set of beliefs coherent – with respect to normative political statements, then the reasonable constituency to which our justification appeals is smaller, less diverse, and less realistic.<sup>38</sup>

Recall our concrete case: Political Noncognitivist. By hypothesis, Political Noncognitivist is reasonable in Rawls's sense, yet the political noncognitivist is mistaken or even incoherent (according to some comprehensive perspectives) when she endorses a conception of justice. The cost of satisfying Raz, Cohen, and Estlund by tightening the conception of reasonableness is the exclusion of such persons from the justificatory constituency. Given the aspirations of *Political Liberalism*, this cost may be prohibitive. Before making this conclusion, however, let us examine Rawls's other options.

The second way in which Rawls could purchase the concept of truth is by weakening the publicity condition. However, this approach also has a high price. As we have seen, the three levels of publicity all describe ways in which citizens, from their own standpoints, can understand and endorse the institutions and political conception of justice that prevail in their society. Recall that without satisfying each of the three levels of publicity, there will be some subset of reasonable persons who cannot endorse the prevailing political conception of justice. Either they cannot accurately affirm that their society and its institutions satisfy a conception of justice they endorse (first level), they do not agree with the empirical facts or methods of inquiry that support the justification of the prevailing conception of justice (second level), or they cannot know or

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<sup>38</sup>Salvaging Rawls's position by such means would therefore exacerbate the problem of stability. To appreciate the severity of this problem, see Huemer (1996) and Klosko (1997).

do not have access to the argument used to justify the prevailing conception of justice (third level). In all cases, a set of reasonable persons is unable to endorse the political conception of justice and Rawls fails to achieve the stated aim of *Political Liberalism*.

What about Cohen's and Estlund's political and minimal conceptions of truth? Neither Cohen nor Estlund propose that a minimal conception of truth be taken as the complete account. Rather, they propose it as a minimalist core, which all reasonable persons are free to supplement as their respective comprehensive doctrines require.<sup>39</sup> Nevertheless, both of these face the same dilemma – they must either narrow the scope of the reasonable or restrict the publicity condition.

On Cohen's view, a political conception of truth must hold that believing, asserting, and judging are all believing, asserting, and judging to be true; we must invoke truth to even make sense of these activities. This, as we have seen, is something that Political Noncognitivist explicitly denies concerning the principles of justice. For this reason, we disagree with Cohen that a political conception of truth can avoid deviating from the Rawlsian project. Cohen explicitly considers Political Noncognitivist, asking, "If public reason includes the concept of truth, does this impose a barrier for noncognitivists, who traditionally thought that truth is not in play in normative discourse?" Cohen answers in the negative, arguing that there is nothing in the political conception of truth that is unacceptable to noncognitivists – "Noncognitivists have no reason to object to [the political conception of truth], given the relatively minimal commitments that come with it."<sup>40</sup> Here Cohen is wrong to think that Classical Political Noncognitivists have no reason to object. Even if Cohen were correct that Classical Political Noncognitivists could purchase truth at no cost,<sup>41</sup> this would not alter the fact that many Reasonable people simply haven't, A.J. Ayer and C.L. Stevenson included, and that this does not exclude them from the political consensus. After all, those who endorse Political Noncognitivism may well be incoherent. Hence, being less than maximally rational does not prevent one from participating in the overlapping consensus. Cohen is thus mistaken: Political Noncognitivists can and do deny that believing, asserting, and judging, especially in the normative domain, require taking those beliefs, assertions, and judgments to be true. Cohen must either rule that the Political Cognitivist is unreasonable or that she need not publicly endorse the full breadth of political liberalism.

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<sup>39</sup>As such, this conception of truth differs from standard minimalist accounts of truth, according to which (1) the minimalist truth schema holds, and (2) the minimalist truth schema is a complete account of the concept of truth. Cohen and Estlund do not claim that condition (2) must be affirmed in public reason discourse. For a clear presentation of the minimalist conception of truth, see Horwich (1990).

<sup>40</sup>See Cohen (2009), p. 17, fn. 30.

<sup>41</sup>Many doubt this. For the burdens created by noncognitivism, see Divers and Miller (1994), Dreier (1996 and 2004), Schroeder (2008), p. 716, and Sinnott-Armstrong (2000).

Estlund also realizes that the reasonableness of the noncognitivist presents a challenge to Conception Indifference but thinks that including a minimal conception of truth in political deliberation can accommodate Political Noncognitivism. He thinks that there is no reason that the noncognitivist cannot accept his notion of minimal truth – after all, accepting the truth schema does not require positing any substantial truth property or endorsing that normative claims can have this property.<sup>42</sup> Estlund does not take into account, however, that noncognitivists cannot accept his reason for moving to a minimal conception of truth in the first place. Recall that, on Estlund’s view, political liberalism must claim the truth of the standard of reasonable acceptability to ground moral obligations and political coercion. So it is incorrect to say that political liberalism, in Estlund’s revisionary account, is only committed to the truth schema – it is also committed to the thought that truth plays an important role in generating moral obligations.<sup>43</sup> This, though, is to overlook the importance of transparency in political constructivism. Publicity requires that all parties to the overlapping consensus acknowledge and endorse the justification of the principles of justice, including the claim that truth grounds moral obligations. The noncognitivist cannot accept this methodology, for she denies that truth plays any role whatsoever in normative obligation. Despite Estlund’s efforts at selecting the most minimal form of a theory of truth, a conflict still arises between Conception Indifference, Reasonableness, and Publicity, effectively excluding the noncognitivist from the political consensus.<sup>44</sup>

### 3.2 DROPPING TRUTH

The cost of satisfying Raz, Cohen, and Estlund and of avoiding incoherence thus appears to be quite high. In placating his critics, Rawls would undermine the very aim of his project. What is the cost of continuing to eschew truth? Raz, Cohen, and Estlund’s basic strategy is to find a contradiction in the approach taken in Political Liberalism by claiming that Rawls smuggles in or depends upon the concept of truth all the while claiming to avoid it. Rather than examining each position separately, as we will in the next section, we consider a general formulation of the objection. Recall that we understand incoherence as a contradiction in the beliefs of a particular individual; one is in a state of conceptual incoherence when one’s beliefs are ultimately contradictory. The basic strategy of Raz, Cohen, and Estlund is to show that political liberalism cannot

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<sup>42</sup>See Estlund (1998), p. 270.

<sup>43</sup>Even in accepting the minimal conception of truth, Quong is able to dodge this objection since he argues that truth plays no fundamental role in justification. Consequently, however, Quong (2011) lacks any reason to include a conception of truth at all, even a minimal, mundane conception. Even if he is correct that making assertions is equivalent to (or includes) a minimal truth claim (p. 224), Quong’s buck-passing strategy suggests that this should be an issue for comprehensive doctrines, not political liberalism, to resolve. Political liberalism can assert P without asserting (or denying) that P is true.

<sup>44</sup>Raz (1990) entertains the possibility of Political Noncognitivism, but fails to note how the noncognitivist provides an argument for No Political Concept. This is because Raz’s main target is a purported inconsistency in Rawls, not reasons for endorsing No Political Concept or Conception Indifference (p. 15).

be coherently held and should therefore be rejected or modified.

The defender of Rawls might think that, in order to avoid this difficulty, the burden is to show that Rawls's political conception is a fully coherent system even without invoking the notion of truth. However, such an approach misses the point. Given the aims of political liberalism, conceiving of its doctrines as a systematic whole is a mistake. Instead, political liberalism and its argumentative strategy, political constructivism, aim to provide a radically incomplete doctrine, one that is so minimal and so restrictive in its assumptions and in its scope that a deeply diverse society can come to endorse it. Its incompleteness allows the political conception to function as a "module"<sup>45</sup> that can find a basis of justification among various, incompatible comprehensive doctrines. As such, there exists a vast array of philosophical questions on which political liberalism need not – indeed, *should not* – take a stand. One of these is the question of truth and its connection to interpersonal, political justification.

Of course, even incomplete doctrines can be incoherent. Political liberalism, however, refrains from passing judgment regarding the truth or coherence within and between comprehensive doctrines, as well as between political liberalism and the various comprehensive doctrines affirmed by reasonable citizens. Political liberalism maintains only that it is possible for a deeply diverse, though reasonable, citizenry to affirm a shared conception of justice without sharing a single comprehensive doctrine. Part of the argument for this claim rests precisely on the fact that political liberalism says so little about the truth and logical coherence of philosophical perspectives. By being radically incomplete in this particular way, political liberalism avoids both internal incoherence and incoherence with respect to particular comprehensive doctrines.

Contrast the sparsity of political liberalism with the nature of comprehensive doctrines, which include "conceptions of what is of value in human life, and ideals of personal character. . . ideals of friendship and of familial and associational relationships," as well as metaphysical and religious beliefs.<sup>46</sup> It is a comprehensive doctrine, not a political conception, that may aptly clarify the conceptual connection between truth and political justification.<sup>47</sup> Therefore, it is only a comprehensive doctrine that can be conceptually incoherent with respect to the relationship between truth and political justification. Political liberalism is simply too incomplete to be incoherent on this subject. It does not propose or deny any theory of truth, any theory of the justificatory importance of truth, or, most pertinently, any theory about which concepts are inextricably linked to the concept of truth. Instead, political liberalism chooses to keep its hands out of such matters and to leave them within the realm of the

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<sup>45</sup>See Rawls (2005), p. 12.

<sup>46</sup>See Rawls (2005), p. 175 and p. 374.

<sup>47</sup>On this point we are in complete agreement with Jonathan Quong (2011), pp. 226 and 230-238).

non-political.<sup>48</sup>

Raz, Cohen, and Estlund therefore take aim at the wrong target. In claiming that political liberalism is incoherent in its eschewal of truth, they miss the fact that truth may enter into the full justification of a political conception, but not at the level of political constructivism. Rawls's contention is simply that it must do so at the level of the comprehensive doctrine. In other words, even if truth does not play any role in a conception's *pro tanto* justification, it may still play an indispensable role in the justification arrived at by any individual from the perspective of his or her comprehensive doctrine. The criticism should therefore target doctrines like Political Noncognitivism, which doesn't simply eschew truth, but positively denies its relevance. These are the doctrines that, according to Rawls's critics, hold contradictory views about the nature of political justification. If rejecting truth renders political justification incoherent, then it is the comprehensive doctrine that refuses to accept the concept of truth that is accountable, not the political conception that takes no stance on the issue. In principle, Rawls, qua philosopher, could even agree with the criticisms of Raz, Estlund, and Cohen – but qua *political* philosopher, searching out a public basis for political consensus, Rawls might well view such criticisms as irrelevant. Notice the great virtue of Rawls's solution. While the reasonable noncognitivist may fiercely battle Cohen, Estlund, and Raz in the seminar room on the issue of the proper conceptual connection between truth and justification, she will do so within a political framework which each participant has a reason to endorse. The political conception and its political justification are not at stake; they simply do not deploy the concept of truth, whether or not their doctrines are viewed (from the perspective of a comprehensive doctrine) as properly relying upon this concept. The task at hand is to establish a conception of justice that will allow deeply diverse citizens to cooperate on fair terms, not to discover the true philosophical doctrine.<sup>49</sup> This is the core of Rawls's point in saying that political constructivism is an exercise of practical reason, not of theoretical reason.<sup>50</sup>

In sum, the critiques of Raz, Cohen, and Estlund apply at the level of the comprehensive doctrine, and at this level, their correctness or incorrectness is simply not germane to Rawls's project. Therefore, the defender of Rawls can affirm that the cost of maintaining No Political Concept is low. Some comprehensive doctrines may espouse conceptually coherent and factually accurate beliefs, and they may supplement the bare-bones justification offered by Rawls with a theory of normative truth.<sup>51</sup> But participants in the overlapping consensus can also hold positions that are incorrect, even on pain of conceptual incoherence,

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<sup>48</sup>Ibid., pp. 94, 113, 114, 126, and 129.

<sup>49</sup>This is not to exclude the possibility of identifying Rawls's conception of justice as the true account. Many comprehensive doctrines may choose to do so. The claim that this conception is true, however, is not a part of political liberalism.

<sup>50</sup>Ibid, p. 93.

<sup>51</sup>Ibid, pp. 144-145.

without ceasing to be reasonable. Precisely which comprehensive doctrines are, and which are not, incoherent in this way is not a question that Rawls attempts to, nor should attempt to, answer. Doing so would require the affirmation of, at least parts of, one or another comprehensive doctrine. The aim of political liberalism is simply to reconcile these disparate doctrines, to find a conception that a diverse citizenry “religious and nonreligious, liberal and nonliberal” – coherent and incoherent – “may endorse for the right reasons.”<sup>52</sup>

## 4 A FINAL RESPONSE TO THE TRUTHERS

Thus far, we have defended Rawls against the suggestion that he endorse Conception Indifference rather than No Political Concept. Adopting Conception Indifference does serious violence to Rawls’s approach in *Political Liberalism*, making it clear that pursuing No Political Concept is the preferable strategy. Rawls’s critics do not speak with one voice though – their reasons for urging Rawls to opt for Conception Indifference vary. Therefore, in this final section we examine each critic’s view in greater detail to ensure that our approach is able to respond to the particular concerns of each author.

### 4.1 RAZ

Recall that Raz asserts that recommending a principle of justice entails regarding that principle as true. Thus, by recommending the outcomes of the overlapping consensus, Rawls involves himself in a commitment to the truth of the principles selected by this procedure. One way of construing Raz’s thesis is that the norm governing the practice of normative assertion is that of knowledge: when one asserts  $p$ , one is also affirming that one knows  $p$ , and of course, knowledge entails truth.<sup>53</sup>

A defender of Rawls might wish to challenge Raz’s thesis by denying that knowledge is the norm of assertion. Given the task of a political conception of justice, however, the debate is not over what the norm of assertion actually is, but what notion of assertion all parties in an overlapping consensus could agree on. The aim of a certain kind of discourse should have a bearing on the norms that govern it.<sup>54</sup> In political discourse, especially of the justificatory type, the goal is not to describe a mind-independent reality.<sup>55</sup> Instead, the task of po-

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<sup>52</sup>Ibid, p. xxxix.

<sup>53</sup>For endorsements of the knowledge norm of assertion, see Adler (2002), DeRose (1991, 1996, and 2002), Hawthorne (2003), Stanley (2005), Unger (1975), and Williamson (1996 and 2000). That knowledge entails truth has long been the standard view, see Bonjour (2002), p. 32, Tienson (1974), p. 289, and Williamson (2000), p. 42. For an important rejoinder, see Hazlett (2010).

<sup>54</sup>Again, we see that fundamental to Rawls’s approach is presupposing a shared political task. Arising from the constraints imposed by this task is a standard of public reason, which allows for interpersonal justification in a society of citizens that share a set of normative conceptions related to this task. This is another implication of Rawls’s invocation of “practical reason” as a political idea when developing his constructivist method.

<sup>55</sup>See Rawls (2005), pp. 91-93 and our Footnote 51.

litical discourse – for us “here and now” – is related to solving the problem of political liberalism, viz., “to work out a political conception of political justice for a constitutional democratic regime that a plurality of reasonable doctrines, both religious and nonreligious, liberal and nonliberal, may endorse for the right reasons.”<sup>56</sup>

If political discourse has this practical task, then the norms that govern political discourse must not generate unnecessary faction or controversy. Different reasonable doctrines have radically different positions regarding the status and relevance of truth. Thus, a more sensible norm would be one that all parties can endorse as in conformity with the values and concerns that motivate political discourse. Reasonableness, understanding a “reasonable assertion” to be one which all involved parties can accept insofar as they are reasonable, is (by definition) the norm that fulfills this requirement. Because the reasonableness norm is premised on appealing to the reasoning faculties of all involved parties, it fosters consensus rather than discord, thereby fulfilling the task of political discourse. Therefore, even if we accept Raz’s claims about normative-political truth, it does not follow that political constructivism should endorse his view of the norm of assertion. Political constructivism provides an argument that may be supplemented in coherent or incoherent ways by diverse comprehensive doctrines. Whether it is true or false, coherent or incoherent, will depend on how a comprehensive doctrine decides to fill out its incomplete doctrines. Again, political liberalism need not stand alone. It is, instead, a “module... that in different ways fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it.”<sup>57</sup>

## 4.2 COHEN

The case of the Political Noncognitivist should not mislead us into thinking that Rawls is endorsing a noncognitivist understanding of political assertions. This is important to how Rawls would respond to Cohen’s criticism. Cohen argues that by using concepts that are conceptually connected to truth, Rawls commits his political constructivism to something beyond No Political Concept. Again, as Cohen puts it, “Truth is so closely connected with intuitive notions of thinking, asserting, believing, judging, and reasoning that it is difficult to know what leaving it behind amounts to.”<sup>58</sup> As in the Rawlsian response to Raz sketched above, the issue is not that Cohen is wrong about the nature of belief or of assertion. Rather, it is that many reasonable people disagree, and therefore an understanding of belief or assertion that involves truth instead of mere reasonableness is unduly exclusive. One class of such people is that of political noncognitivists, who hold that normative (political) statements are not truth-apt. If a noncognitivist were persuaded by Rawls’s constructivist argument to endorse the political conception of justice and to abide by its demands,

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<sup>56</sup>Ibid, p. xxxix.

<sup>57</sup>Ibid, p. 145.

<sup>58</sup>See Cohen (2009), p. 15.

then whether they think the principles of justice are “true” is beside the point. This is why Rawls aims to construct the conception out of materials that are drawn from a public culture, rather than from some particular view of what is morally worthy or true.

Instead of forwarding reasons for his principles of justice on the basis of their truth, Rawls proposes a procedure of construction by which each citizen can see the principles as issuing from their own practical reason and normative conceptions. Doing so does not require that Rawls commit himself to any theory of the truth-aptness of normative claims. In his critique, Cohen exhibits a serious confusion on this point by arguing that Rawls is committed to a cognitivist view of normative political statements. First Cohen argues that:

The claims made by a political conception... must be truth-apt ... They must be, if there is to be a common ground of argument under conditions of doctrinal disagreement. To deny the truth-aptness of the claims made on the terrain of public reason would offend against the essential idea of public reason. That is because the very propositions advanced in public political argument, even if not taken as or presented in that context as true, might be judged to be true by the religious or moral doctrine affirmed by a citizen.<sup>59</sup>

Cohen is correct to say that Rawls is not free to deny the truth-aptness of normative claims. Doing so would alienate moral or religious doctrines that judge such claims to be true or false.<sup>60</sup> But from this, Cohen goes on to infer that “Rawls’s proposal is to endorse a cognitivist understanding of political conceptions of justice and political argument on which notions of judgment, reasoning, and argument are fully in play, while denying the availability of the concept of truth within such conceptions.”<sup>61</sup> This inference, however, is mistaken. It would be just as illicit for Rawls to endorse and argue from a cognitivist view as a noncognitivist view. In either case, there are reasonable comprehensive doctrines, affirmed by reasonable citizens, that reject the metaethical view in question. Accordingly, the proper path for political constructivism is to avoid taking a stand on the metaethical dispute between cognitivism and noncognitivism.<sup>62</sup> Taking such a stand would undermine the project of political liberalism and thwart the task of political constructivism by rendering the procedure unpersuasive, unacceptable, or even incomprehensible, to a large group of reasonable citizens. In fact, Rawls explicitly rejects the need to analyze or critique the theories of truth espoused by the comprehensive doctrines that constitute the overlapping consensus or to endorse some one theory of truth:

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<sup>59</sup>Ibid, p. 18.

<sup>60</sup>Cf. Footnote 51.

<sup>61</sup>Ibid, p. 19.

<sup>62</sup>Illustrating this idea is the point of introducing Political Noncognitivism. As Rawls (1999) says, “It is important to notice here that no assumptions have been made about a theory of truth. A constructivist view does not require an idealist or a verificationist, as opposed to a realist, account of truth.” (p. 351).

Political constructivism does not criticize, then, religious, philosophical, or metaphysical accounts of the truth of moral judgments and of their validity. Reasonableness is its standard of correctness, and *given its political aims*, it need not go beyond that.<sup>63</sup>

### 4.3 ESTLUND

Finally, the constructivist argument that we sketched above also brings into focus the Rawlsian response to Estlund’s critique. According to Estlund, acceptance by a particular group (or set of groups) is insufficient for a doctrine to gain normative import. Estlund points out that Rawls’s *standard of permissibility* – viz. acceptability by reasonable persons – requires some justification aside from acceptability to reasonable persons. Although such “reflexivity” may well be a necessary condition for a principle of acceptability to be vindicated, the fact that reasonable persons all accept the standard of reasonable acceptability is clearly insufficient due to its circularity. After all, there are many possible “insular” groups, like the Branch Davidians, who could hold that self-acceptability is the correct standard. In order to justify privileging one standard over others, one must hold that it is true, not merely reasonable.

The problem, as Estlund sees it, is the lack of explanation as to why political liberalism should favor acceptability to reasonable persons over acceptability to Branch Davidians. The need for such an explanation leads Estlund to conclude that political liberalism must assert the truth of reasonable acceptability as a standard. Estlund thus seems to believe that truth is the only *authorizing feature*, i.e. the only feature that could allow us to pick out one insular group from among the plurality and to assert its special justificatory status.

Against Estlund’s suggestion, this paper has suggested that we do have good reason to favor reasonable-acceptability over Branch-Davidian-acceptability, but this reason is not the *truth* of such a standard. What makes reasonable acceptability unique is its connection to the political values implicit in liberal, democratic societies. Political liberalism establishes an objective criterion of correctness by drawing on two, mutually supportive aspects: (1) a set of shared political values or normative political conceptions<sup>64</sup> and (2) practical, rather

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<sup>63</sup>See Rawls (2005), p. 127, emphasis added.

<sup>64</sup>Ibid, p. 117. In this paper, we interpret Rawls as claiming that all reasonable persons in a liberal democratic society hold a normative conception of the person (free and equal citizen) and of society (a fair system of cooperation) out of which one can construct a public political conception of justice. Assuming such shared values might be overly demanding, since a mere commitment to cooperation could lead individuals to endorse, for political/justificatory purposes, the public values of freedom, equality, and fairness (Gaus 2011, p.174-6). On the other hand, Quong (2010) has argued that this requirement is too minimal. Reasonable persons must be *liberal*, that is, they must endorse peremptory (though perhaps defeasible) basic rights (2010, pp. 14-15). On Quong’s account, political liberalism is an *internal* project, aiming to demonstrate the acceptability and coherence of liberalism to liberals. We do not take a stand on this controversy, since our arguments will apply whether or not one accepts Quong’s internal account of political liberalism. For expository convenience, we assume that

than theoretical, reason.<sup>65</sup> Combining (1) and (2) yields the following: given that we want a fair, cooperative society, populated by free and equal citizens, which is governed by a conception of justice that all citizens, as such, can endorse, we should disregard all and only considerations that are unacceptable to reasonable persons. Any standard stricter than reasonableness would rule out doctrines compatible with mutually beneficial cooperation; any weaker standard would include individuals who would undermine such cooperation in virtue of their unreasonableness. In other words, given our shared aims, practical reason provides an objective criteria of correctness more suitable than truth. This standard is reasonableness, i.e. acceptability to reasonable persons. Acceptability to reasonable persons is therefore unique in that it best achieves the aims of the political project: realizing freedom, equality, and fairness through consensus and stability under conditions of deep doctrinal diversity. In this respect, as we have seen, it outperforms truth. In response to Estlund, therefore, it is the political task that we are engaged in and the standards that such a task implicates that favor the criteria of reasonableness over that of Branch-Davidianism.<sup>66</sup>

#### 4.4 JONATHAN QUONG AS A CONTRAST CASE

An instructive contrast to both Estlund’s position and to our own is that of Jonathan Quong, briefly discussed in Section 1. Quong accepts Estlund’s minimal conception of truth, but he also defends the idea that only comprehensive doctrines, not political conceptions, must clarify the connection between truth and political justification. Quong refers to this latter idea as “passing the buck.”<sup>67</sup> Political liberalism, Quong concurs, abstains from making claims about the nature of truth or its role in justification, instead passing this task on to comprehensive doctrines. Nevertheless, political liberalism “requires” the minimal conception of truth, according to Quong, because it makes claims and assertions, such as that “religious persecution is unjust.”<sup>68</sup> Instead of rejecting the minimal conception of truth, therefore, we should reject only “metaphysical conceptions,” or theories of truth that seek to identify the nature and conditions

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parties accept normative conceptions involving freedom, equality, and fairness. We believe this is the most straightforward reading of *Political Liberalism*, but the present argument does not hinge upon this interpretation.

<sup>65</sup>Rawls develops this aspect of his project in “Lecture III” of *Political Liberalism*. Note especially p. 117: “Political constructivism...holds that there are different conceptions of objectivity appropriate for theoretical and practical reason.” See also, pp. 91-93.

<sup>66</sup>Rawls’s account in Lecture III of how practical reason grounds political justification and gives rise to a conception of objectivity involves details and nuances which, though important for fully understanding political constructivism, need not occupy us here. One important desiderata of a political conception which favors a constructivist procedure that avoids the concept of truth is “doctrinal autonomy,” (pp. 98-99). This desiderata is one way in which Rawls might challenge the proposal that Estlund develops elsewhere for an “epistemic political liberalism” which justifies a procedure (rather than a political conception) in virtue of its ability to arrive at the “correct answer” to political problems (Estlund 2012.). While an intriguing proposal, evaluating it further would unfortunately take us too far afield.

<sup>67</sup>See Quong (2011), pp. 226, 232, and 238-239.

<sup>68</sup>Ibid, p. 224.

of truth or of true propositions.

Tellingly, Quong rejects the main reason that Estlund offers in favor of including a minimal conception of truth in political liberalism. Estlund, as we have seen, believes that we must claim that reasonable acceptability is *true* if we wish to use it as a ground for our political obligations. By contrast, Quong argues that “the task of providing a full account of the truth or correctness of [the principle of reasonable acceptability]... is not taken up by political liberalism as a theory, but is rather delegated to individual reasonable citizens.”<sup>69</sup> The full justification of the principle of reasonable acceptability does not come from the shared political conception, but from the comprehensive doctrines held by reasonable citizens who endorse that conception, an upshot of “passing the buck.”

If Quong rejects Estlund’s reason for including the minimal conception of truth in political liberalism, why does he nonetheless argue that political liberalism must include such a conception? There are two closely related reasons why Quong accepts the minimal conception of truth into the framework of political liberalism. The first is that he views it as entirely benign. The minimal conception, Quong asserts, “does not appeal to any particular epistemological, metaethical, or other philosophical theory of truth, and it is consistent with any of the plausible metaethical, epistemological, or other philosophical positions one might take with regard to truth.”<sup>70</sup> The reason that this minimal conception of truth is so inoffensive is that, on this conception, to claim “P” is to claim “P is true” and vice versa. To assert the truth of a proposition is exactly as controversial as the mere assertion of the proposition. This leads us to the second reason Quong has for endorsing this conception of truth. Political liberalism must make certain assertions and deny others. For example, political liberalism must deny the claim that acceptability to all Branch Davidians is a necessary requirement for a political conception, “[b]ut when political liberalism declares [this] claim is mistaken, it makes a truth claim of the mundane sort.”<sup>71</sup>

Neither of Quong’s two reasons justifies the use of the minimal conception of truth in political liberalism. First, as we argued above, there exist – or could exist – perfectly reasonable persons who deny the relevance of truth in political justification even if this philosophical position is indefensible from a theoretical perspective. Quong may reply that he does not intend for the minimal conception to play a role in political justification. If this is the case, then there appears to be no reason to employ this conception when laying out the argument for a political conception. Instead of asserting “P is true, therefore Q,” we can simply assert the more ecumenical “P, therefore Q.” Thus, in response to Quong’s second reason for including the minimal conception, we simply point out that truth need not be invoked in making assertions. Rawls goes to great lengths in

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<sup>69</sup>Ibid, p. 237.

<sup>70</sup>Ibid, p. 224.

<sup>71</sup>Ibid, p. 237.

Lecture III of *Political Liberalism* to develop a notion of objective correctness that does not seek recourse to any conception of truth, minimal or otherwise. The upshot of Rawls's work in this lecture is that to determine whether or not a particular assertion is correct (in the context of political justification), we can appeal to reasonableness rather than to truth. In this way, we avoid any and all controversy related to the concept of truth. Quong is therefore mistaken in thinking rejecting the Branch Davidian principle requires us to assert that this principle is false. Instead, we can point to its unreasonableness as grounds for its rejection. How, or if, reasonableness connects to truth is a matter for comprehensive doctrines to determine.<sup>72</sup>

## CONCLUSION

Raz, Cohen, and Estlund may be right that assertion, belief, and moral grounds are conceptually connected to truth, but we have seen that this does not undermine Rawls's avoidance of truth within political liberalism. On the level of a political conception, the question of truth and its connection to justification is best left untreated. On the level of comprehensive doctrines, we might (from the perspective of our own comprehensive doctrines) identify other doctrines as incoherent. But this need not entail that those holding such doctrines are unreasonable. The success or failure of a comprehensive doctrine to formulate a coherent full justification for the political conception of justice lies beyond the purview of political liberalism. The alleged incoherence of a theory of truth does not, therefore, prevent its adherents from participating in the overlapping consensus. In the end, Rawls's approach that avoids the concept of truth may stand as an inclusive method for political justification.

Our primary objective in this paper was to defend Rawls against Raz, Cohen, and Estlund. Even if we have been successful in this aim, our approach nevertheless raises questions about political liberalism more generally. One issue that is worth further exploration moving forward is the question of just how incoherent members of the overlapping consensus can be. Can citizens hold obviously contradictory views, or are there limits to how irrational reasonable people might be? Likewise, if someone ascribes to blatantly inconsistent beliefs, can we even make sense of them endorsing the principles of justice? Presumably, if a citizen endorses a principle of justice, they do not believe it is both just and unjust, so rampant incoherence will make it difficult to make sense of even the original endorsement of the principles of justice.

One direction that might be worth exploring in response to these concerns is the moderate idealization advocated by Gerald Gaus. On Gaus's account, the views endorsed by citizens are those that they would hold after a "respectable

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<sup>72</sup>Quong is, of course, correct that we may, if we want, simply define truth so that "Not-P" is equivalent to "P is not true." However, it does not follow that we *must* do so. This minimal conception is not "required," as Quong claims it is, because, as Rawls argues, we can employ reasonableness as a standard for assessing claims and arguments.

amount” of reasoning, ruling out obvious contradictions, e.g., that a principle is both just and unjust.<sup>73</sup> Adopting such a requirement would rule out subjects whose views are a mess of contradictions, clarifying how it is possible for an incoherent citizen to nevertheless endorse the principles of justice. Importantly, moderate idealization would also allow the sorts of incoherence we have focused on in this paper, in particular that of the political noncognitivist. Even if political noncognitivism is incoherent, seeing so takes far more reasoning than moderate idealization requires of members of the overlapping consensus, preserving the thought that political liberalism does not rule out incoherent comprehensive doctrines. One possible development to Rawls’s position, then, in response to worries about allowing unchecked irrationality within political liberalism, would be to adopt a notion of moderate idealization. This would help explain both how it is possible for citizens within the overlapping consensus to endorse the principles of justice as well as set principled limits on the amount of incoherence that can be tolerated within political liberalism.

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<sup>73</sup>See Gaus (2011, p. 253). Varieties of moderate idealization are also endorsed by Vallier (2014), pp. 145-180, and (Forthcoming) and Van Schoelandt (2015).

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