
RESTRAINT ON REASONS AND REASONS FOR RESTRAINT: A PROBLEM FOR RAWLS' IDEAL OF PUBLIC REASON

BY

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Abstract: It appears that one of the aims of John Rawls' ideal of public reason is to provide people with good reason for exercising restraint on their nonpublic reasons when they are acting in the public political arena. I will argue, however, that in certain cases Rawls' ideal of public reason is unable to provide a person with good reason for exercising such restraint, *even if* the person is already committed to Rawls' ideal of public reason. Because it is plausible to believe that such cases are widespread, the issue I am raising represents a serious problem for Rawls' account of public reason. After posing this problem, I consider potential responses on behalf of Rawls' view, and I reply to those responses. The moral of this story, as I see it, is that the kind of duty an ideal of public reason aims to place on citizens must be more modest than Rawls supposes.

This paper explores a potential problem in John Rawls notion of 'public reason.' I will attempt to show that, in certain cases, Rawls' ideal of public reason is unable to provide people with good reasons for exercising *restraint* with respect to their nonpublic reasons. Insofar as Rawls intends the ideal of public reason to provide good reasons for restraint on nonpublic reasons – as he seems to – and insofar as such cases as I am concerned with are widespread – as I believe them to be – then the issue

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I am raising represents a serious problem for Rawls' account of public reason. While the focus of this paper is on the work of John Rawls, I hope that the discussion here will shed light more generally on the issues of political reasons, civility, and respect for fellow citizens. Ultimately, I do not think that the difficulties I am raising for Rawls' view represent difficulties for an ideal of public reason per se; however, my arguments do suggest the need for an ideal of public reason that is more modest than Rawls' with regard to the kind of duty it attempts to place on citizens.

Dilemmas of duties and restraint on reasons

Rawls' views on the idea and ideal of public reason are well known and widely discussed, and so I will summarize them only briefly here, drawing attention to a few features of Rawls' account that will be important to my arguments. Throughout this essay, I will be focusing on Rawls' account of public reason as he has articulated it in *Political Liberalism*¹ and his essay "The Idea of Public Reason Revisited."² In my explication and critique of Rawls, I begin by addressing the basic structure of Rawls' public reason, and after this I consider the modifications to this structure involved in what Rawls calls "the wide view" of public political culture. This seems to me to be an acceptable way of proceeding because, as will be clear, the wide view of public political culture does not alter the essential structure of public reason, and it is this basic structure which is relevant to my argument.³

According to Rawls, the ideal of public reason is that "citizens are to conduct their public political discussion of constitutional essentials and matters of basic justice within the framework of what each sincerely regards as a reasonable political conception of justice, a conception that expresses political values that others as free and equal also might reasonably be expected reasonably to endorse."⁴ To avoid confusion, it should be noted up front that Rawls places important restrictions on the scope of public reason: the ideal of public reason applies only to the public political arena as distinct from the background culture, and within this arena it applies only to matters of constitutional essentials and basic justice. Within these specified contexts, however, the ideal of public reason says that citizens ought to act on and offer only those reasons which can be drawn from public reason.

The content of public reason is given by a liberal political conception of justice, of which there is not one but a family.⁵ Such a conception of justice provides three things: "First, a list of certain basic rights, liberties, and opportunities (such as those familiar from constitutional regimes); Second, an assignment of special priority to those rights, liberties, and opportunities, especially with respect to the claims of the general good and perfectionist values; and Third, measures ensuring for all citizens

adequate all-purpose means to make effective use of their freedoms.”⁶ Along with all of this, a liberal political conception also offers “guidelines of inquiry that specify ways of reasoning and criteria for the kinds of information relevant for political questions.”⁷ In addition to reasons drawn from a liberal political conception of justice, the ideal of public reason allows that we “appeal only to presently accepted general beliefs and forms of reasoning found in common sense, and the methods and conclusions of science when these are not controversial.”⁸

The ideal of public reason, then, says that in certain contexts – in matters of constitutional essentials and basic justice considered in the public political arena – it is wrong for us to argue and act on the basis of what we believe to be ‘the whole truth’, and thus the ideal of public reason imposes a duty of *restraint* on the kind of reasons citizens may be give. As Rawls says, “in discussing constitutional essentials and matters of basic justice we are not to appeal to comprehensive religious and philosophical doctrines – to what we as individuals or members of associations see as the whole truth – nor to elaborate economic theories of general equilibrium, say, if these are in dispute. As far as possible, the knowledge and ways of reasoning that ground our affirming the principles of justice and their application to constitutional essentials and basic justice are to rest on the plain truths now widely accepted, or available, to citizens generally.”⁹

Rawls says that the form and content of public reason are “part of the idea of democracy itself”.¹⁰ In order to see why the ideal of public reason is so important to Rawls, one must recognize that the goal of public reason is “to specify the nature of the political relation in a constitutional democratic regime as one of civic friendship.”¹¹ In a democracy coercive political power is exercised by the collective body of free and equal citizens.¹² Public reason flows from the idea that if we view our fellow citizens as free and equal, reasonable and rational beings, then to be fully consistent with this view we must offer them only certain kinds of reasons when exercising our coercive political power over them (and such power is exercised simply by voting, as well as in the actions of government officials). As Rawls says, “[I]n light of what principles and ideals must we exercise that power if our doing so is to be justifiable to others as free and equal? To this question political liberalism replies: our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational.”¹³ This leads directly into the ideal of public reason: “And since the exercise of political power itself must be legitimate, the ideal of citizenship imposes a moral, not a legal, duty – the duty of civility – to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason.”¹⁴

With Rawls' account of public reason in mind, imagine the following scenario:

After years of research, a brilliant and eccentric primate scientist, Dr. X, stumbles upon an amazing discovery: chimpanzees possess a language comparable to that of humans. Moreover, after talking things over with the chimps, it is obvious to Dr. X that the chimpanzees also possess moral capacities strikingly similar to those of humans. The chimps are able to reason in the same way as humans; they have the capacity for a conception of justice and the capacity for a conception of the good. From this, Dr. X concludes that chimpanzees are moral agents in essentially the same way as humans, and from this he concludes that they have certain rights and deserve a high degree of respect.

Of course, the methods by which Dr. X discovered the chimps' language and by which he is able to communicate with them are pioneering and highly complicated, so much so that there are only a handful of people in the world who understand them. In fact, many of his fellow scientists remain skeptical about his methods and unconvinced by the data. Thus, Dr. X's beliefs about chimps as moral agents do not satisfy the criteria that Rawls' lays out for public reason: they are not drawn only from a liberal political conception of justice along with common sense and uncontested science, precisely because they are based in part on *contested* science. Moreover, Dr. X's claims about chimps are highly *counter* to common sense and thus likely to be rejected rather than accepted by most people. Nevertheless, Dr. X's beliefs about the chimps are in fact true, and he is rational in believing them because he has evidence that strongly supports his conclusions, even though that evidence and its interpretation are contested. We might think of Dr. X as being in a position similar to that of Copernicus, whose beliefs about the solar system were both true and rational even though they were the subject of much disagreement.

Now, just as Dr. X is really beginning to get to know the chimps, a debate comes up in Congress. A certain company has discovered that it is in its great monetary interest to (painlessly) destroy thousands of chimpanzees it currently houses in its research laboratories. A bill has been proposed that would make the destruction of chimpanzees illegal. Dr. X has the chance to testify before Congress during the debate over this bill. Naturally, the beliefs he has formed about chimpanzees lead him to favor strongly the adoption of the bill. Thus, Dr. X is faced with the question: to which of his own beliefs should he appeal, and what sort of reasons should he offer, in support of the bill to protect the chimps?

Now if Dr. X is a good Rawlsian, then he seems to be caught in a bind. On the one hand, he possesses highly relevant information regarding the status of the chimps; in fact he *knows* something that almost no one else

knows and the truth of which affects how everyone's moral reasoning about the chimps ought to proceed. Thus, it seems that Dr. X should offer reasons in favor of the (coercive) bill based on his research and his understanding of chimps as moral agents. On the other hand, however, it is also the case that Dr. X's beliefs about the chimps, while rational, cannot be drawn from public reason. His beliefs are not acceptable to the vast majority of his fellow citizens because they run counter to common sense, and his justifications for his views are explicitly based on science that remains contested. Hence if Dr. X were to base his arguments in favor of the bill on his rare views about chimpanzees, then he would be going against the ideal of public reason, and thus his reasons would not show his fellow citizens the proper sort of respect, and he would thereby fail in his *duty of civility*.¹⁵

Given such a bind, it seems clear to me what we should expect Dr. X to do: we should expect him to support vehemently the bill to protect the chimps, and to do so explicitly on the basis of his novel views about chimps as moral agents. The reason for this is that if indeed chimps are language speakers with a moral nature much like that of humans, then destroying thousands of them without good cause represents a much greater evil than does Dr. X's failing in his duty of civility on this particular occasion. Thus Dr. X's concern to fulfill his duty to protect the chimps outweighs his concern to fulfill his duty of civility. Of course, if Dr. X thought he could protect the chimps by assassinating half of Congress, then even the great value of protecting the chimps might not justify the evil of such carnage. The point, however, is that the duty of civility is not nearly as weighty a duty as, say, the duty to respect other people's right to life. In fact, the duty of civility which accompanies public reason seems to be a rather weak duty in comparison to many of our other duties.

We would be wrong, then, to expect Dr. X to abide by the restraint aspect of public reason in this situation. More generally, we would be wrong to expect a person to fulfill her duty of civility by adhering to the limits of public reason if we knew that this duty of civility came into conflict with some weightier or more important duty of hers. However, and here's the rub for Rawls' public reason, the cases which are the prime targets for the application of public reason – issues of constitutional essentials and basic justice – are precisely those cases in which people are likely to perceive their duties to act for certain policies to be of great importance, so great that should these duties conflict with a duty of civility requiring adherence to public reason, then the former duties will be judged to outweigh the latter. Thus, in precisely those cases where the ideal of public reason is intended to *restrain* people from acting on reasons they might otherwise act on, we can most expect it to be impotent to do this.

To further explain this point, let us consider a somewhat more plausible scenario involving the highly contested issue of abortion:

Pastor Lopez is the minister of an evangelical Christian congregation. Pastor Lopez believes that from conception a full human person is present and thus she believes that elective abortion is wrong because it represents the unjustified destruction of innocent human lives. Pastor Lopez' comprehensive doctrine is a form of Protestant Christianity that is, in general, reasonable and rational. Moreover, she has arrived at her views about abortion in a way that is, *prima facie*, neither irrational nor unreasonable – through reflecting on Scripture and her moral tradition, along with reading medical textbooks. Suppose, however, that Pastor Lopez is unable to give any public reasons for her views on abortion. Perhaps this is the case because her views involve an irreducibly theological component,¹⁶ or perhaps because the resources of public reason are simply insufficient to support her view.¹⁷ Whatever the reason, Lopez is unable to offer public reasons for her views on abortion. Now, suppose that a bill is before Congress which, if passed, would result in a 20% reduction in the number of elective abortions in America. Clearly Pastor Lopez' views on abortion lead her to favor the bill. She faces the question, then: to which of her own beliefs should she appeal in voting, and encouraging others to vote, with respect to the bill?

If Pastor Lopez is, like Dr. X, a good Rawlsian, then she is faced with the same dilemma as he. On the one hand, she has a very serious obligation to do what she can to protect the lives of thousands of innocent children. On the other hand, however, the only way she can do this is by going against public reason and thereby failing in her duty of civility. Given such a bind, can we expect Pastor Lopez to refrain from acting on and offering her (nonpublic) reasons in favor of (coercive) laws restricting elective abortion? It seems to me that the obvious answer is no. Even if Lopez takes her duty of civility very seriously and accepts that offering nonpublic reasons violates this duty, nevertheless she must weigh this duty against her duty to protect innocent human life. Given the great value of innocent human life and the seriousness of our obligation to protect life, Lopez will certainly consider her duty to help the unborn to be a weightier duty than the duty of civility which requires public reason. Once again, then, we see that *even if* a person acknowledges the ideal of public reason as part of her duty of civility, we can expect her to forgo public reason if she perceives a higher duty to be in conflict with public reason.

Up to this point I have spoken about what we can expect people to do, and I have used the term 'expect' in a way ambiguous between what we can *predict* a person will do and what we can hold them morally *accountable* to do. Now, I think that if we take 'expect' in the first way, then the examples above show that Rawls' view of public reason is plagued by practical problems. If we reflect on any of highly controversial issues related to basic justice in our society – abortion, euthanasia, the nature of marriage,

economic justice, etc. – in each of these cases it seems likely that if a person is unable to provide public reasons for her view, she will nevertheless weigh her duty to act for the cause in which she believes to outweigh her duty of civility requiring public reason. Whether or not we agree with her decision, I think that the likelihood of such an event is very high and thus that Rawls' public reason faces severe practical obstacles, insofar as it aspires to achieve *restraint* on reasons which would otherwise be given.¹⁸

In addition to this, I think we can rightly understand 'expect' here in its moral as well as predictive sense. This means that Rawls' view faces a theoretical as well as practical problem, because from within its own resources it is unable to fault many of those who might go beyond the bounds of public reason. That is, I do not think that from within the framework of political liberalism we can hold persons like Dr. X or Pastor Lopez to be morally culpable for neglecting their duty of civility in favor of what they perceive to be a higher duty. In support of this I offer the following crude principle: It is acceptable to be uncivil in cases where something more important than civility is at stake and when one must be uncivil in order to act for that more important thing. The basic idea here is that if people perceive their duties to be in conflict with one another, then it is right for them to choose the more important duty at the expense of the lesser duty, or at least they cannot be faulted for doing so. I cannot see the point in requiring people to do otherwise, and thus I cannot see how we should require people to abide by the limits of public reason if this means requiring them to neglect a duty which they believe outweighs in importance the duty of civility as it is fulfilled in public reason.

It is important to recognize that the examples I am considering are ones in which people value public reason and recognize that it is required by a duty of civility. These are not people who reject outright the ideal of public reason; if they were then they would not perceive a *conflict* between public reason and their other duties. Because they value public reason, such people will likely continue to *pursue* public reasons for their position even as they choose to act in a way that violates public reason. What they will not do, however, is allow the duty of public reason to *restrain* them from acting, because so long as a conflict remains between public reason and a more important duty they will forgo public reason. Hence, what these examples show, I believe, is that even if public reason is accepted as an ideal, we should not expect that it will actually result in many acts of self-denial with respect to the kinds of reasons people act on and offer, nor does public reason give us a basis to morally criticize those like Dr. X and Pastor Lopez when they do fail to exercise restraint on their reasons.

Of course, in both of the hypothetical dilemmas I have described there is a situation in which large numbers of creatures are to be killed and there is question about whether or not these creatures count as fellow persons and citizens. It may be thought that controversies based on debates

about who is to count as a person will be quite rare, and thus that cases such as I have proposed do not pose a serious difficulty to Rawls' public reason. However, issues such as abortion and euthanasia seem to focus on precisely the question of who is to count as a person, as do some debates about animal rights. Moreover, in order for a person to have good reason to act against public reason, it is not necessary that the duty in conflict with public reason be a matter of protecting innocent persons from death, or even of something nearly so serious. Rather, all that is required is that the duty in conflict with public reason is perceived to be weightier than the duty realized by obedience to public reason, and this is likely to be the case with many disagreements involving constitutional essentials and basic justice, precisely because those disagreements depend on people's deepest commitments and most cherished values.

Moral perceptions and the (in)abilities of public reason

The examples of Dr. X and Pastor Lopez are intended to motivate intuitions about what it is right for people to do given their perceptions of their moral duties. In response, however, a defender of public reason's ability to restrain might object that the cases of Dr. X and Pastor Lopez are not analogous, because Dr. X *knows* that the chimps are moral agents, while Pastor Lopez merely *believes* that the unborn are full persons. This objection misses the point, however, because the argument is about what we can predict people will do and what we can hold them accountable for doing on the basis of what they *perceive* to be the case. Insofar as a person perceives some duties to be of more importance than others, it seems foolish to *predict* that she will choose to abandon a more important duty for a lesser one if the two come into conflict. Likewise, I don't see how we can *morally* fault people for choosing what they perceive to be a higher duty over a lesser duty if the two come into conflict.

Someone might respond to this, "Even if we can't fault a person for acting consistently on her perceptions of her duties, surely we can fault her for incorrectly perceiving her duties. Just because one is acting consistently with one's moral perceptions doesn't mean those perceptions are themselves correct or reasonable!" I think this point is probably correct. However, this response is a help to public reason only if it can be shown that in cases such as we have envisioned, the people involved are incorrectly perceiving their moral duties when they perceive some other duty to outweigh their duty of civility as it is realized in public reason. If this is so, then the problem is not the weakness of the duty accompanying public reason but rather the failure of the individuals' moral perceptions. But how could it be shown that their moral perceptions are faulty? In order to show that a person's perception of her duties is incorrect, it seems that

one would have to rely on some sense of what the correct perception is, and this seems to involve making a substantive judgment about the moral issue in question. In this case, however, it appears that the defender of public reason winds up pre-judging every controversial moral issue, and public reason becomes a covert way for establishing certain views over others. This, however, is exactly what Rawls insists public reason is *not* doing. Rawls addresses the objection that public reason is too restrictive because it “mistakenly tries to settle political questions in advance.”¹⁹ Against this objection Rawls discusses the example of school prayer to show that “the idea of public reason is not a view about specific political institutions or policies. Rather it is a view about the kinds of reasons on which citizens are to rest their political cases in making their political justifications to one another when they support laws and policies that invoke the coercive power of government concerning fundamental questions.”²⁰ As we have seen, however, it is possible to imagine people who are rational and whose perceptions of their duties provide them with good reason to depart from public reason for the sake of a higher duty. Insofar as public reason does not settle the controversial moral and political questions in advance, it does not seem to have the resources to show that such persons have blatantly misguided moral perceptions. Thus, from within Rawls’ own view, there still does not seem to be any way for faulting such people when they depart from public reason, and, as I have suggested, it is likely that such people will proliferate around every controversial topic.²¹

Of course, even though Rawls’ public reason refuses to pre-judge controversial political questions, there is a sense in which public reason *does* prejudice the outcome of political debate, and perhaps this can help public reason with the problem I have raised. Because the content of public reason is drawn from the family of liberal political conceptions of justice, what is deemed acceptable by public reason will be in accordance with the values articulated by a liberal political conception of justice. Thus, someone might respond to persons like Dr. X and Pastor Lopez and say, “Because public reason is given by a liberal political conception of justice, insofar as a person’s perception of her duties leads her away from public reason, then her perceptions of her duties must be drawn from understandings and values other than those given by a liberal political conception of justice. In effect, to the extent that a person’s view of things gives her good reason to abandon public reason, to that extent her view of things is politically illiberal.” This response fits with what Rawls says about the comprehensive nature of public reason:

Another essential feature of public reason is that its political conceptions should be complete. This means that each conception should express principles, standards, and ideals, along with guidelines of inquiry, such that the values specified by it can be suitably ordered or otherwise united so that those values alone give a reasonable answer to all, or to nearly all,

questions involving constitutional essentials and matters of basic justice. Here the ordering of values is made in the light of their structure and features within the political conception itself, and not primarily from how they occur within citizens' comprehensive doctrines.²²

If the political conceptions of public reason are sufficient to give answers to the relevant questions, then insofar as a person is unable to act and offer public reasons for her views, these views are based on doctrines other than the political conception. This is the case with Dr. X and Pastor Lopez; the views which they are unable to articulate using public reason are based on beliefs drawn from sources other than a liberal political conception. Hence, insofar as they act on these views, they are being politically illiberal.

But is this a help to public reason with respect to the difficulty I have proposed? Does the fact that they are being politically illiberal mean that their views are somehow faulty and their perceptions of their duties suspect? Hardly. In fact the *point* of examples like Dr. X and Pastor Lopez is to show that there are reasonable and rational people who find themselves with good reasons to go against public reason on the basis of their moral perceptions. The fact that their moral perceptions lead them to go against public reason can't be taken as evidence that their views are wrong without begging the question in favor of the accuracy and comprehensiveness of public reason's political conceptions. Rather, the fact that we can easily imagine reasonable and rational people whose moral perceptions lead them into a conflict with public reason shows that liberal political conceptions do not *exhaust* the reasonable answers that can be given to questions of constitutional essentials and basic justice.²³ A person may have views on these matters that are reasonable and rational and yet cannot be drawn from a liberal political conception and hence cannot be articulated in public reason.²⁴ It is because of this possibility that we can imagine people who are committed to a liberal political conception and who value public reason, and yet who also have views which give them good reason to go against public reason. My point is that such people cannot be faulted when they abandon public reason when they perceive that doing so is necessary in order to fulfill what they perceive to be a higher duty.

The examples I am considering, then, turn on the fact that there is a certain kind of slack in the political conceptions of public reason. Rawls acknowledges that public reason does not lead to only *one* reasonable view on many relevant matters, and he admits that there is room within public reason for a stand-off between different political conceptions.²⁵ However, what he does not seem to acknowledge, and what is important here, is that the political conceptions of public reason do not provide the *only* reasonable views on these matters. This opens the door to the possibility that people will have rational and reasonable views that cannot be articulated in public reason, and this makes possible the dilemmas faced by people such as Dr. X and Pastor Lopez. These dilemmas, in turn, provide

cases when people have good reason to temporarily abandon public reason, even if they are in general committed to it. Insofar as such dilemmas are the paradigm cases when public reason is supposed to result in actual restraint on the kind of reasons individuals rely on, the preceding arguments suggest that the duty involved in public reason is likely to be too weak to provide a good reason for actually exercising such restraint.

Respect, restraint, and the duty of civility

Up to this point I have argued that public reason is not likely to provide a good reason for persons such as Dr. X and Pastor Lopez to exercise restraint with respect to their reasons, given the dilemmas in which they find themselves. This argument was based on what we can predict people will do, and on what we can hold them accountable for doing, given their moral perceptions. I also argued that we cannot fault such persons for having defective moral perceptions without pre-judging the controversies in question, which is something public reason disavows. At this point, a defender of public reason's ability to give a good reason for restraint in the case of such dilemmas might take another tactic. Rather than argue about the conflicting moral perceptions of specific cases, she might try to settle such dilemmas up front by showing that the duty of civility is of such high importance that the concern to obey public reason should always outweigh concerns to obey other duties. This is a rejection of my claim that the duty of civility accompanying public reason is a relatively weak duty. Rather, the objection goes, the duty of civility is so important that persons faced with dilemmas like those of Dr. X and Pastor Lopez should exercise restraint on their reasons in accordance with public reason.

I find this conclusion about Dr. X and Pastor Lopez to be counterintuitive and implausible. Should Dr. X *really* set aside his controversial views about chimpanzees and accept the consequences – even though he has good reason to believe his beliefs to be true – simply because his beliefs are based on contested science? However, with respect to the general strategy of defending public reason by asserting its high value, Rawls makes a similar move in discussing “the paradox of public reason”.²⁶ The paradox involves the question: “How can it be either reasonable or rational, when basic matters are at stake, for citizens to appeal only to a public conception of justice and not to the whole truth as they see it? Surely, the most fundamental questions should be settled by appealing to the most important truths, yet these may far transcend public reason!”²⁷ This paradox disappears, Rawls claims, when we recognize that public reason is linked to the nature of citizenship in a constitutional democracy and that “the political values realized by a well-ordered constitutional regime are very great values and not easily overridden and the ideals they express are not

to be lightly abandoned.”²⁸ Rawls then cites examples, such as limits on legal evidence in order to insure a fair trial, which illustrate that there are “cases when we recognize a duty not to decide in view of the whole truth so as to honor a right or duty, or to advance an ideal good, or both.”²⁹ Public reason, then, is such a case, and “the alleged paradox of public reason is resolved.”³⁰

Rawls is, in effect, considering here the conflict between the value of appealing to the “whole truth” and the political values which are realized, according to Rawls, only when we do not appeal to the whole truth. Setting up the conflict this way depends on the claim that certain important political values require adherence to public reason and are thus incompatible with appeals to the whole truth. Rawls resolves this conflict in favor of the political values, and this solution depends on the claim that the political values involved are *very important* values, more important than appealing to the whole truth. As he says, “What has to be shown is either that honoring the limits of public reason by citizens generally is required by certain basic rights and liberties and their corresponding duties, or else that it advances certain great values, or both.”³¹ For Rawls, the central value involved in public reason is that it manifests the proper *respect* for our fellow citizens, viewed as free and equal, reasonable and rational.³² This is another way of stating Rawls’ claim that public reason specifies the nature of the political relation in a constitutional democratic regime as one of civic friendship. Because democratic citizens exercise a measure of coercive power over one another, respect for the freedom and equality of our fellow citizens requires that we offer them reasons that they can reasonably be expected to reasonably endorse, and this means acting on and offering reasons according to public reason. As Rawls says, democracy:

implies further an equal share in the coercive political power that citizens exercise over one another by voting and in other ways. As reasonable and rational, and knowing that they affirm a diversity of reasonable religious and philosophical doctrines, they should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality. Trying to meet this condition is one of the tasks that this ideal of democratic politics asks of us. Understanding how to conduct oneself as a democratic citizen includes understanding an ideal of public reason.³³

Charles Larmore summarizes the connection between public reason and respect for Rawls: “Respect for persons implies allegiance to principles that we affirm in the light of others having a reason, indeed the same reason, to affirm them too.”³⁴

If respect for other persons requires adherence to public reason, and if respect is a very great value, then persons such as Dr. X and Pastor Lopez may have good reason to exercise restraint after all, because the duty of civility corresponding to public reason may be strong enough to give people good reason to abandon the duties which are in conflict with public reason. Of course, many thinkers have contested the idea that respect for

the freedom and equality actually requires adherence to public reason. For example, Nicholas Wolterstorff objects, “But is it true – and this, finally, is the fundamental point – is it true that offering to Wendy reasons for my political views which I know or learn she doesn’t accept, and which accordingly, I cannot reasonably expect her to accept, is to violate her freedom and equality? And is it true that to vote, and otherwise act politically, on the basis of reasons which I do not expect all those affected to accept, is to violate their freedom and equality?”³⁵ But whether or not respect requires public reason, or how it does so, is not crucial to my argument here. I am concerned with cases in which people acknowledge the value of public reason, and presumably such people will acknowledge some connection between public reason and respect for the fellow citizens. The relevant question for the cases I am considering is this: Is the respect involved in public reason significant enough to make the duty of civility sufficiently strong to lead to restraint in cases where public reason conflicts with another duty?

In answering this question, it is important to note that respect is not, in general, an all or nothing affair. Rather respect comes in shades. It is disrespectful to cut in front of someone for the last spot on an elevator; it is more disrespectful to spit on someone whose jokes annoy you, and it is even more disrespectful to shoot someone for the same reason. Likewise, disrespecting someone in the political arena by violating their freedom and equality is something that comes in degrees. A system that makes it significantly harder for some people to vote disrespects those people and violates their equality; a system that strictly forbids those people to vote disrespects them and violates their equality in a more grievous manner.

How serious, then, is the respect (or disrespect) related to public reason? The fact that many thoughtful people have denied the claim that respect for others actually requires public reason suggests, at least initially, that the kind of respect realized in public reason cannot be exceptionally obvious or strong.³⁶ Moreover, there are good reasons why the respect involved in public reason is not likely to be weighty enough to provide sufficient reason for persons to exercise restraint on their reasons in the dilemmas I have envisioned. First, public reason is not the *only* way in which persons such as Dr. X and Pastor Lopez can demonstrate respect for their fellow citizens as free and equal. In fact, relative to many other things we do, public reason does not seem to be even an especially important way that we respect others. In our everyday lives we respect people in a multitude of ways with a wide range of importance, from raising our hands in class to listening well to our friends’ problems. Even in our roles as citizens, we frequently (perhaps constantly) respect our fellow citizens in a variety of ways, many of which are more serious than the way in which we respect them by following public reasons. For instance, obeying public reason does not seem nearly as important as honoring the free

speech of others, or respecting their freedom of religion, or standing up for their right to bodily integrity. In honoring these rights, and in many other ways, we show respect for others as free and equal, and we realize a relationship of civic friendship. Thus, insofar as persons such as Dr. X and Pastor Lopez are able to respect their fellow citizens freedom and equality in a myriad of important ways, their failure to do so through public reason does not seem to mean that, on balance, they are egregiously disrespecting their fellow citizens when they choose not to follow public reasons for the sake of what they perceive to be a higher duty.

It is important to keep in mind here that the respect involved in public reason is *not* whatever respect or disrespect might result from any particular coercive law in question. Rather, we are considering only the disrespect that results directly from the kind of *reasons* given for the position. Thus, I might favor amending the Constitution to include a specific clause guaranteeing equal rights for women, and I my reason for doing so might be “Krishna told me to do so.” Even if the amendment itself does not violate anyone’s freedom and equality, nevertheless I have, according to Rawls, disrespected my fellow citizens by the kind of reasons I have acted on in supporting the amendment.

Because obeying public reason is only a (small) part of how we respect our fellow citizens, it is clear that even if public reason is connected to the very important political value of mutual respect, an instance of abandoning public reason does not mean that we are abandoning or destroying this political value! Of course, an instance of abandoning public reason might weaken the quality of our respect for our fellow citizens. Nevertheless, having a less-than-perfect respect for others does not seem to be such a serious loss that the duty of civility related to public would always, or even frequently, outweigh duties that might be in conflict with public reason. Once again, then, we do not have good reason to fault persons such as Dr. X and Pastor Lopez who choose to forgo public reason for the sake of a conflicting duty, persons who are likely to recognize that respect for fellow citizens is a high value but also that it is a value which they can realize in many ways other than public reason.

This point is made even stronger when we consider that, from the point of view of Dr. X and Pastor Lopez, the duties which conflict with public reason are *also* expressions of respect for persons. To offer nonpublic reasons on behalf of the chimpanzees or the unborn is to attempt to protect the lives of persons, because the chimpanzees and the unborn are viewed by Dr. X and Pastor Lopez as persons with rights deserving protection. Thus, the decision about whether or not to exercise restraint is a question about what kind of respect takes precedence – the respect for innocent lives as it is expressed in offering nonpublic reasons, or the respect for other citizens as it is expressed in offering public reasons? Looked at this way, and in view of the fact that public reason is only a small part of respect

for our fellow citizens, it seems especially clear that Dr. X and Pastor Lopez are not culpable for choosing an option that contains a measure of disrespect for fellow citizens in the interest of respecting the lives of other persons. Of course, not every dilemma in which there is perceived conflict between public reason and a higher duty will involve questions of respecting others' right to life. Still, because every such dilemma will involve matters of basic justice and constitutional essentials, it seems likely that the perceived higher duties in such dilemmas will often be of very great importance, importance involving a deep respect for others that is sufficient enough to justify the (comparably slight) disrespect for others involved in offering nonpublic reasons.

In addition to these consideration, there is a further reason that concerns about respect will not provide persons such as Dr. X and Pastor Lopez with good reason to exercise restraint. Such persons will likely follow public reason in the majority of cases. Remember that such persons do not have a complaint with public reason per se, but only with public reason as it comes into conflict with another duty. Such conflict may not happen with great frequency. Especially in cases where a person is able to abide generally by public reason, then an occasional departure from public reason does not seem so awful. This is so because, as we have seen, respect is a matter of degree. If a person generally waits his turn for the elevator, but on one occasion he cuts in front of me, then this one occasion doesn't seem like a tremendous disrespect of me, and our relationship will probably not be significantly affected. If, however, he consistently cuts in front of me, then this seems like more serious disrespect and our relationship will probably be eroded by his behavior. Likewise, if a person typically abides by public reason, but on occasion does not, this doesn't seem like a particularly grievous disrespect or one that is likely to erode civic friendship very significantly. Moreover, in the cases we are considering, the individuals have *good reason* to abandon public reason because of a higher duty which conflicts with public reason. Thus, the case is more like a friend who on one occasion cuts in front of me for the elevator because he is rushing to the side of his wife whom he believes has just gone into labor with their first child. Perhaps some disrespect is shown to me in such a case, but surely I cannot fault my friend for this, precisely because he was acting to fulfill a higher duty.

The wide view and its implications

At this point, some readers of Rawls may have become exasperated with my argument, because I have yet to consider seriously some of the significant modifications Rawls made to his view of public reason. In the revised edition of *Political Liberalism*³⁷ and the essay "The Idea of Public Reason

Revisited,” Rawls adopts a slightly different view of public reason, which he calls “the wide view of public political culture.” I turn, then, to consider more fully Rawls’ most mature views on the subject of public reason in order to see if the wide view is better able to handle the problems I have raised.

Rawls discusses two important aspects of the wide view:

The first is that reasonable comprehensive doctrines, religious or nonreligious, may be introduced in public political discussion at any time, provided that in due course proper political reasons – and not reasons given solely by comprehensive doctrines – are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support. This injunction to present proper political reasons I refer to as *the proviso*, and it specifies public political culture as distinct from the background culture. The second aspect I consider is that there may be positive reasons for introducing comprehensive doctrines into public political discussion.³⁸

The first of these aspects of the wide view is most relevant to my arguments. It means that persons such as Dr. X and Pastor Lopez may nonculpably offer – and presumably act on – their respective nonpublic reasons, provided that in due course they offer proper political reasons for their positions. How exactly they need to fulfill the proviso is admittedly difficult to specify. As Rawls says, “the details about how to satisfy this proviso must be worked out in practice and cannot feasibly be governed by a clear family of rules given in advance. How they work out is determined by the nature of the public political culture and calls for good sense and understanding.”³⁹ My intent is not to press Rawls on the vagueness of the proviso, but rather to point out that the same problem I have proposed for Rawls’ earlier view recurs with respect to the wide view. It is still the case that Rawls’ ideal of public reason, with its corresponding duty of civility, is not strong enough to provide good reason for individuals to exercise *restraint* on the kind of reasons they offer.

The wide view of public reason does not alter the basic duties involved in the ideal of public reason. Nor does it involve the basic structure of how beliefs are to be justified based on public reason. As Rawls says, “It is important also to observe that the introduction into public political culture of religious and secular doctrines, provided the proviso is met, does not change the nature and content of justification in public reason itself. This justification is still given in terms of a family of reasonable political conceptions of justice.”⁴⁰ What the wide view changes, then, is not the ideal of public reason but how this ideal is to be satisfied. More precisely, it changes when public reasons must be offered in order for the ideal of public reason to be satisfied: they must be offered *in due course*, rather than up front. We can imagine, however, persons in dilemmas like those of Dr. X and Pastor Lopez who may not be able to offer public reasons for their views, even in due course. The question is: If persons in such dilemmas choose to act on and offer nonpublic reasons, and if they

are unable *ever* to offer public reasons, can they be faulted for their violation of public reason? Clearly, this is the same question I addressed earlier, and the only thing that has changed is *how* and *when* the individuals involved are failing to satisfy the duty of civility corresponding to public reason. Thus, the arguments I laid out above, which were designed to show that such people cannot be faulted for going beyond public reason, apply equally to the case of the wide view: Dr. X and Pastor Lopez have good reason to act on and offer nonpublic reasons, *even if* they don't know if they can fulfill the proviso, and *even if* they don't ever fulfill the proviso. Of course, persons such as Dr. X and Pastor Lopez will in all likelihood attempt to fulfill the proviso, because they acknowledge the value of public reason. Yet, even if they have good reasons (both practical and moral) to pursue public reasons, they do not have good reason to exercise *restraint* on their reasons, regardless of how successful they are in their pursuit of public justification.⁴¹

In explaining the wide view, Rawls makes another interesting, though puzzling, remark that deserves comment. Discussing the case of the Abolitionists and the Civil Rights Movement, he says, "The proviso was fulfilled in their cases, however much they emphasized the religious roots of their doctrines, because these doctrines supported basic constitutional values – as they themselves asserted – and so supported reasonable conceptions of political justice."⁴² This statement seems to imply that any doctrine which supports basic constitutional values is also a doctrine that supports reasonable conceptions of political justice. It also seems to imply that supporting reasonable political conceptions in this way is sufficient to fulfill the proviso. It is this second claim which is quite puzzling. How is support for reasonable conceptions of political justice via a support for basic constitutional essentials also a fulfillment of the proviso concerning public reason? The proviso is a matter of the *kind of reasons* to which one appeals when addressing matters of constitutional essentials and basic justice; it is a matter of presenting "proper political reasons" in due course. In discussing the Abolitionists and Civil Rights activists, however, Rawls is saying that simply supporting a reasonable conception of political justice is sufficient for fulfilling the proviso. But providing proper political reasons and putting forward doctrines that support basic constitutional essentials are very different things. For example, I might strongly defend the freedom of the press in a constitutional debate, and my reason for doing so might be "Jesus would have us support the freedom of the press." Here, I am clearly *not* acting on or offering public reasons for my views; yet, my doctrine about the freedom of the press is supporting basic constitutional essentials and thus I seem to be in the same position as the abolitionists, whom Rawls thinks *did* fulfill the proviso.

Perhaps I am misreading Rawls at this point, but his statement about the abolitionists seems to involve a confusion between the *content* of a

belief and the *reasons* for it, a distinction that seems crucial to his ideal of public reason. As I noted earlier in the example of a proposed constitutional amendment to guarantee women's equality, the duty of civility involved in public reason is a matter of the kind of reasons one gives for one's proposal, not the content of what one is proposing. Rawls' statement about the abolitionists, however, suggests that so long as the content supports basic constitutional essentials and thus support a reasonable political conception of justice, then this is sufficient to fulfill the proviso. But this means that the question of the proper kind of reasons for one's doctrine drops out, so long as one's doctrine has the right kind of content – a content which supports basic constitutional essentials. This, however, runs counter to Rawls' description of public reason as a matter of the kind of reasons which are acceptable. Moreover, it also opens the door to almost any person being able to claim reasonably that they have fulfilled the proviso. This is so because in debates about constitutional essentials and basic justice, *everyone* is typically claiming that their view supports basic constitutional values. Which view in fact *does* support basic constitutional values is precisely the issue in question! Thus, the wide view seems to offer no help or guidance up front on how debate should proceed. Everyone involved in the debate will plausibly claim to be fulfilling public reason simply by the content of their claims, and thus they will not be obligated to alter the kinds of reasons they give at all. As far as I can tell, then, the wide view, if anything, makes it even *harder* for Rawls' ideal of public reason to offer any sort of restraint on the kind of reasons which can justifiably be offered. Not only does the wide view fare no better in cases of dilemmas as I have described, but the wide view also opens the door for most anyone to legitimately claim to have satisfied the demands of public reason, even if they have not exercised restraint at all on the kind of reasons they offer and even if their reasons are explicitly based on comprehensive doctrines, because they can claim to have a doctrine which supports basic constitutional essentials.

The ideal of public reason and the pursuit of public reasons

At the beginning of this essay I noted that I would be raising a potentially “serious problem” for Rawls' account of public reason, insofar as that account hopes to provide good reason for people to exercise restraint on their nonpublic reasons. I hope that I have been able to show that there is, in fact, a serious problem with Rawls' account on this score. In conclusion, however, I note that the problem I have raised is not necessarily a problem for the ideal of public reason per se. Nothing I have said rejects the notion that public reason is of *some* value, or that there is *some* force to the duty of civility accompanying public reason. To the extent that the

duty of civility accompanying public reason is a weighty duty, it may still give people good reason to attempt to offer public reasons for their views. In this way, the ideal of public reason may still provide a kind of restraint on reasons: it might restrain people from *immediately* offering their nonpublic reasons and give them good reason to try to first find public reasons. This kind of restraint, I think, is no trivial matter. In fact, the mere *attempt* to provide public reasons seems to capture the values of respect and civic friendship that the ideal of public reason is meant to realize, just as my friend's mere *desire* to respect my right to the elevator shows me respect, even if in spite of this desire he feels compelled to cut in front of me for some other reason.⁴³

Of course, if one attempts to provide public justification for one's views and one is successful in this attempt, then there might seem to be little *need* for offering nonpublic reasons. That is, if a person is successful in finding public reasons, then it might be unlikely that she will wish to offer her other nonpublic reasons. Thus, the kind of restraint involved in the mere pursuit public justification does not seem to be "restraint" properly so called, at least not in the cases when one is successful in finding public reasons. If, however, one is not successful in finding public reasons, then the door is open to just the kind of dilemma I have been discussing in this paper. In this case, as we have seen, it is likely that the ideal of public reason will not be able to provide a person with good reasons for exercising restraint on nonpublic reasons she would otherwise like to offer. Therefore, whether or not a person is successful in her attempt to provide public reasons, the pursuit of public reason does not seem to lead to actual restraint on reasons – restraint in the sense of having reasons that one would otherwise offer but refrains from offering simply because of the duty of civility involved in public reason. Nevertheless, the milder form of "restraint" on reasons which accompanies the pursuit of public reason does seem substantial, and if all citizens even *attempted* to provide public reasons then it seems likely that this would achieve much of the respect and civic friendship which Rawls values.^{44,45}

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NOTES

¹ Rawls, John. (1996). *Political Liberalism*. New York: Columbia University Press.

² Rawls, John. (1999). "The Idea of Public Reason Revisited" in *The Law of Peoples*. Cambridge, MA: Harvard University Press, pp. 131–180.

³ In addressing Rawls' view this way, I am following the way that Rawls himself presents his view in the essay "The Idea of Public Reason Revisited." In that essay Rawls devotes to the first two sections to laying out the basic structure of the idea of public reason, and it is only in the fourth section that he explicitly considers the wide view of public political culture.

⁴ *PL*, p. 1.

⁵ *PL*, p. 223; “Idea,” p. 141.

⁶ “Idea,” p. 141.

⁷ *PL*, p. 223.

⁸ *PL*, p. 224.

⁹ *PL*, pp. 224–225.

¹⁰ “Idea,” p. 131.

¹¹ *PL*, li.

¹² *PL*, p. 216.

¹³ *PL*, p. 217.

¹⁴ *PL*, p. 217.

¹⁵ Rawls has addressed a similar bind in his discussion of what he calls the “paradox of public reason” *PL*, p. 218. In the next section I consider Rawls’ treatment of this paradox and its relevance to the situations with which I am concerned.

¹⁶ Christopher Eberle offers a nice (fictional) example of what I have in mind here. He imagines a person, Elijah, who, on the basis of his belief in God’s preference for the poor, favors radical international redistribution of wealth. Elijah attempts to offer public justification, but is unable to do so because “his radicalism turns out to be uneliminably dependent on his theological commitments.” See Eberle, Christopher. (2002). *Religious Conviction in Liberal Politics*. Cambridge: Cambridge University Press, pp. 112–113.

¹⁷ On the inability of public reason to provide guidance on the ‘standoff’ issue of abortion, see Quinn, Philip. (1997). “Political Liberalisms and Their Exclusions of the Religious,” in Paul J. Weithman (ed.) *Religion and Contemporary Liberalism*. Notre Dame, IN: Notre Dame University Press, pp. 148–150.

¹⁸ Daniel Groll pointed out to me that this psychological point about what people will do is contestable, and he suggested the example of judges as a group of people who are fairly consistent in appealing only to public reason. In this paragraph my primary concern was with the typical citizen, and I admit that judges might be an exception to this point.

¹⁹ “Idea,” p. 164. See also *PL*, lii–lvii.

²⁰ “Idea,” pp. 165–166.

²¹ What is more, even if one could show that their moral perceptions were faulty, this would only solve the theoretical problem for public reason and not the practical one. It might show that people such as Dr. X and Pastor Lopez were acting in a way for which they were morally culpable. But to get such people to actually *stop* acting in this way, one would have to convince them that their moral perceptions were faulty. This, however, seems to involve convincing them of the proper perception. But if one could convince them of this, then that would amount to settling the argument to which public reason was supposed to apply, in which case what is the need for public reason to set the parameters of the debate?

²² “Idea,” pp. 144–145.

²³ Here, ‘reasonable answers’ means something like morally justifiable answers. Of course, ‘reasonable’ does not here mean consistent with consistent with public reason (that is the point!), and hence insofar as public reason imposes a genuine duty of civility, these answers are morally justifiable but not necessarily morally ideal. Again, the situation is a *conflict* of duties.

²⁴ As Daniel Groll put it to me: “[A]s citizens who inhabit more than the space of public reason, we can see that public reason is not airtight and that there are times when we must step outside it.” The moral that I draw from this is that conflicts might arise in which people have good reason to violate public reason.

²⁵ *PL*, liv–lvii.

²⁶ *PL*, p. 218.

²⁷ *PL*, p. 216.

²⁸ *PL*, p. 218.

²⁹ *PL*, p. 219.

³⁰ *PL*, p. 219.

³¹ *PL*, p. 219.

³² See Rawls, John. (1971). *A Theory of Justice*. Cambridge, MA: The Belknap Press, pp. 337–338.

³³ *PL*, pp. 217–218.

³⁴ Larmore, Charles. (2003). “Public Reason” in *The Cambridge Companion to Rawls*. Cambridge: Cambridge University Press, p. 373.

³⁵ Wolterstorff, Nicholas. (1997). “Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons,” in Paul J. Weithman (ed.) *Religion and Contemporary Liberalism*. Notre Dame, IN: University of Notre Dame Press, p. 175.

³⁶ This initial suggestion is made even stronger when we consider that the people who have denied the connection between respect and public reason – such as Nicholas Wolterstorff – are generally respectful people who are likely to agree with Rawls on what the respectful thing to do is in the vast majority of cases. The fact that there seems to be agreement on the basic, core meaning of respect and disagreement about respect related to public reason suggests that the kind of respect related to public reason is at the periphery of our notion of ‘respect.’

³⁷ *PL*, see especially I–IVii.

³⁸ “Idea,” p. 152.

³⁹ “Idea,” p. 153.

⁴⁰ “Idea,” p. 153.

⁴¹ Christopher Eberle has done an excellent job of distinguishing the issue of pursuing public justification from the issue of exercising restraint on nonpublic reasons. On this distinction see his *Religious Conviction in Liberal Politics*, especially chapters 4 and 5.

⁴² “Idea,” pp. 154–155.

⁴³ For a thorough argument that simply pursuing public justification is all that respect for others requires see Eberle chapters 4 and 5.

⁴⁴ Of course, one might find great value in acting on and offering nonpublic reasons *qua* nonpublic reasons, in which case the value of public reason might not be great enough to give good reason for even the pursuit of public reason. Something like this is perhaps the case for individuals who place a high value on reasons based on a “religiously integrated existence.” See Wolterstorff, *op. cit.*, especially 172–177. Wolterstorff, of course, not only places a high value on certain kinds of inherently nonpublic reasons, but he also seems to challenge the claim that there is much if any value to *public* reason *per se*.

⁴⁵ I am grateful to Sean Anthony, Chad Flanders, Daniel Groll, and Martha Nussbaum for their helpful comments on earlier versions on this paper.