

Justifications for the Principle of Public Reason

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Declaration

I, Chong Ming Lim, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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Abstract

The principle of public reason is invoked as a strategy to evaluate and guide political decisions in the face of disagreement. However, employing the strategy itself requires justification. This thesis centres on the debates concerning the justification for employing the principle of public reason. I argue for two main claims. First, there is an under-examined and problematic aim towards finding one justification for employing the principle of public reason, for all contexts and cases. This is the goal towards justificatory monism. Examining two sets of dialogues between public reason philosophers, I discuss how this aim accounts for the justificatory burdens these philosophers impose on themselves – as revealed by the criticisms they anticipate, and the objections they marshal against their rivals. Second, I argue for justificatory pluralism for employing the principle of public reason. If we want individuals to employ the principle, we must provide them with as many justifications for doing so as are available. This increases the likelihood that individuals with plural views will regard employing the principle as warranted, and as all-things-considered justified.

In making the first claim, I discover six considerations that are relevant to the justification for employing the principle of public reason. While they are invoked by public reason philosophers in their discussions, their relevance has not been thoroughly considered. I organise these considerations, and argue that they not only motivate a re-framing of the existing discussions, but also justificatory pluralism. The second claim is established by scrutinising the deliberations of legislators and citizens. This reveals two problems – of pluralism and self-interest – which are better addressed by justificatory pluralism. I conclude by defending justificatory pluralism against several objections.

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Introduction

0.1 Introduction

It is by now almost a platitude that the political decisions that regulate political institutions, and thus the lives of citizens, should be (in some sense) justified to or accepted by those individuals over whom they purport to have authority (Quong 2013). On John Rawls' famous explanation, this is because these institutions have a pervasive influence on individuals – they define individuals' rights and duties, influence their life prospects, and shape their expectations of what they can be and hope to achieve – in a manner which is 'profound and present from the start' (Rawls 1971: 7).¹ However, the task of reaching political decisions that are justified to each individual is frustrated by the fact of pluralism.² Individuals have different comprehensive religious, philosophical and moral doctrinal views (Rawls 2005: xviii, 24), many of which may be mutually irreconcilable. These doctrines give rise to a plurality of individual judgements concerning whether any particular decision is justified. The principle of public reason is a response to such disagreements.

Formulated generally, the principle of public reason (PPR) states that an exercise of political power – through political decisions – is justified only when it is acceptable to each citizen. The idea of 'acceptable' requires some clarification. First, there is the issue of *what* needs to be acceptable. Within the literature, there are two competing

¹ In providing this explanation, Rawls focuses on what he terms the 'basic structure of society' – how major institutions such as the constitution and principal economic and social arrangements fit together into one system (Rawls 1971: 7; 2001: 10). Whether the scope of *justice* should be so restricted is a matter of sustained disagreement. I take no position on this, and the examples I employ will, I think, be compatible with any account. For further discussions, see Cohen (1997), Pogge (2000), Scheffler (2006), Hodgson (2012), and Freeman (2014). However, and as I discuss later, I adopt a broad view concerning the *kinds of political disagreements* we need to account for.

² Rawls focuses on 'reasonable pluralism' – restricting the set of plural views to those which are considered as reasonable comprehensive doctrines (2005: 36-37). This, too, has come under sustained criticism. See Wenar (1995), Gaus (1996), and Enoch (2015). These authors may be understood as arguing, generally, that such a qualification of pluralism fails to take disagreements seriously. Learning from their analyses, I focus on pluralism without the qualification of 'reasonable'.

understandings of PPR (D’Agostino 1996: 30; Vallier 2011: 262-264; Lister 2011; Lister 2013: 15-23). On the “consensus” model, a political decision is justified when the *reasons* supporting it – its bases – are acceptable. The focus is on reasons, rather than the resultant decision. On the “convergence” model, the focus is reversed – political decisions themselves should be acceptable to citizens. There are no restrictions on what reasons individuals may use to support political decisions. What is important is that they regard the decision as acceptable, for whatever reasons. In this thesis, I take no position on this debate; my formulation of PPR is general enough to accommodate both views.³

Second, acceptance is construed a certain way – reasons or decisions are acceptable when they are minimally consistent with (if not directly supported by) citizens’ plural doctrinal or doctrinally-influenced views.⁴ Third, there is some idealisation concerning the term ‘acceptable’. In discussing acceptability, citizens are often assumed to be fully informed and rational. The contrast here is with the idea of ‘accepted’ reasons or decisions – those *actually* accepted by citizens. Reasons or decisions may be acceptable, even if they are not accepted by citizens. This is because actual citizens may fail to meet the idealising conditions – they may not be fully informed or rational. The idea of

³ It may be thought that the convergence model of PPR makes the same claim as I do (concerning pluralism). However, the fact that it allows plural kinds of acceptances of political decisions, leaves open the issue of what justifies the employment of PPR as the standard to evaluate political decisions. Convergence theorists could well allow for pluralism in the kinds of acceptances of political decisions, while aiming for monism about what justifies employing PPR in the first place. The latter is my concern. The distinctiveness of my project from that of the convergence model of PPR will become clearer as we go along. This being said, the discussions in Chapter 1 draw from the consensus model.

⁴ The phrase “doctrinally-influenced views” is awkward, but is to be distinguished from the phrases often used in the literature (e.g. “sectarian”, “doctrinal”, or “comprehensive” views). First, it acknowledges that citizens’ views are *influenced* by, rather than strictly or entirely determined by their doctrines. That the views are thus influenced, leaves open whether they are (or may be) influenced by other non-doctrinal considerations. As Rawls (1971) notes, citizens’ views are also influenced by the values or principles underlying the political institutions in the society they grow up and are educated in. Second, relatedly, such views need not be comprehensive – that is, they need not have something to say about everything – though they often are presented as such. Third, beyond the issue of more accurately describing the phenomena, this phrase also gestures to the possibility of finding or building greater common ground between citizens’ views through the successful operation of shared institutions (Okin and Reich 1999), or through conversations which reveal some doctrinally-influenced beliefs, reasons and values as actually shared or shareable. However, where I use the phrase “doctrinal views”, I refer to doctrinally-specific beliefs, reasons and values which are neither shared nor shareable with other doctrines. Doctrinal views constitute a subset of citizens’ doctrinally-influenced views. I revisit the issue in Chapter 2.

acceptability is contested. One recent critic, David Enoch, argues that such idealisation not only fails to take actual disagreement seriously, but adds insult to injury by positing that citizens who do not accept the reasons or decisions (offered by philosophers) are simply either ill-informed or have defective reasoning (Enoch 2013: 166-169; 2015: 127-130). I take this criticism seriously, and thus suggest that we understand PPR as follows.

Principle of Public Reason (PPR): A political decision is justified only when (the reasons which support it are / the political decision itself is) accepted by citizens.

The rejection of idealisation, however, creates problems. The most obvious is that it allows too much leeway for ill-informed, stupid, unreasonable, illiberal, or unjust citizens to reject political decisions which most other citizens accept and regard as justified. There is disagreement concerning how to account for these citizens. For instance, Jonathan Quong argues that we should exclude the latter three of these citizens from the constituency to whom justifications are owed (Quong 2011: 166-187), whereas Emmanuel Ceva argues that we should take their disagreement seriously and, in doing so, update our theories on what justification consists in (2016: 112-124). My sympathies are with Enoch and Ceva, though I cannot engage in any further defence of my starting point, beyond the sketch I have just given. However, I hope to clarify its motivations – and thus render it sensible, if not vindicate it – through a brief discussion of PPR's function.

Recall that PPR is formulated and invoked in response to disagreements due to pluralism in citizen's doctrinal and doctrinally-influenced views. Its *function* is to provide us with evaluations of, and guidance for, our political decisions – which we accept despite our plural views. When PPR is employed, we can assess if political decisions are, or will be, justified. Decisions which violate PPR's requirement – being directly rejected, or supported by reasons unacceptable to some citizens – are unjustified and to be rejected. Public reason philosophers appear to be committed to this description of PPR's function. Their discussions of PPR often concern actual political decisions, notably such as whether decisions about abortion are justified. They do not regard their discussions as irrelevant to, or having no traction on, actual issues.

This function coheres with what has been described as one of the functions of political philosophy more generally – to provide evaluations of and guidance for politics (Sangiovanni 2008: 220).

My position on PPR's formulation is motivated by considerations about its function. Actual citizens have a whole range of doctrinal and doctrinally-influenced views (not just those narrowly-described as reasonable), and disagree about a whole range of political issues (not just those concerning the basic structure). A formulation of PPR which allows it to fulfil its function, would be one which allows its conclusions to be relevant to, and contribute to resolving, these actual citizens' disagreements. Suppose it were otherwise – that PPR is formulated as applying only to disagreements about the basic structure among ideally-construed citizens. In such a case, PPR's conclusions may well be regarded as irrelevant by actual citizens. Whether decisions about a narrow subject matter are justified to ideally-construed citizens will say little to actual citizens who disagree about much more.⁵ In introducing these idealisations, a public reason philosopher may fail to take the initial problem of actual disagreements seriously – of how actual citizens may address their disagreements.⁶

A final note on PPR. There is much disagreement about *whom* PPR applies to, when it is employed. Rawls is unclear on this. While he describes PPR as applying only to the discourse of judges, government officials and candidates for political office – participants in the 'public political forum' (Rawls 1997: 767) – he nevertheless expects that citizens vote on the basis of which they are prepared to explain using public reasons (Rawls 2005: 215). On this issue, I accord with several recent public reason philosophers in adopting the broader view of PPR's scope (Quong 2011: 10-11; Lister 2013: 13-14). This is, again, motivated by considerations about PPR's function. We want it to be able to resolve disagreements between all participants in the political sphere.⁷

⁵ Later, I consider and reject the claim that actual citizens may be described as taking the conclusions concerning these ideally-construed citizens as regulative.

⁶ One way in which such idealisation might be less irrelevant, is if it attempts to show that PPR fails its functions even in idealised circumstances. However, that is not the project of public reason philosophers.

⁷ My project may be characterised as "non-ideal theorising", though given the myriad ways the distinction between ideal and non-ideal theory has been cut, this characterisation may not say

Having described the contours of the ongoing debates, the next step is to recognise that employing PPR to evaluate and guide political decisions, and as a strategy for resolving disagreements, *also* needs to be justified.⁸ This has been noted by many public reason philosophers, who have attempted to provide justifications for employing PPR. It is here, that my project begins.

0.2 Outline

I begin, in Chapter 1, with an exegetical claim. In attempting to fulfil this justificatory task, *some* public reason philosophers have aimed for justificatory monism.⁹

Justificatory Monism: There is *one* basic or foundational justification for employing the principle of public reason (PPR) in all the contexts to which it applies.

Thus, Joshua Cohen argues that employing PPR is justified by the consideration of democratic inclusion (Cohen 2011); James Boettcher, by respect (Boettcher 2007); Jonathan Quong, by anti-paternalism (Quong 2011); Andrew Lister, by civic friendship (Lister 2013), and so on. Given that public reason philosophers do not agree much, even this minor agreement amongst some of them, on the aim towards justificatory monism is puzzling (or at least interesting) and bears further examination.

Examining two sets of dialogues concerning the justification for employing PPR, I show how this aim accounts for the justificatory burdens these philosophers impose on themselves – as revealed by the criticisms they anticipate, and the objections they marshal against their rivals. Through this examination, I identify several considerations relevant to the justification for employing PPR. I suggest that it would be puzzling if individuals with plural views nevertheless accord the same weight to one justification

very much (nor very precisely) what is at stake. I am unable to pursue this further. See Rawls (1971: 245-6) and Mills (2005) for two opposing positions.

⁸ Note that my project concerns the justification(s) *for employing* PPR, rather than the justification(s) *of* PPR. The former makes it clear that the issue is political in nature, rather than one concerning the conceptual justification of some abstract principle. I revisit this issue section 2.1.1.

⁹ I stress that my discussions are not intended to, and do not, apply to all forms of public reason liberalism or formulations of the PPR.

for employing PPR, relative to these other considerations. This motivates a departure towards justificatory pluralism.

In Chapter 2, I articulate my account of justificatory pluralism. Its core idea is that if we want individuals to employ PPR as the strategy to evaluate and guide political decisions in the face of disagreement, we must provide them with as many justifications for employing PPR as are available. Adopting justificatory pluralism makes it more likely that individuals with plural views will regard employing PPR as warranted and as all-things-considered justified. I argue for this claim by considering how any proffered justification for employing PPR relates to the plural considerations which individuals have (and which are identified in Chapter 1). I also argue that adopting justificatory pluralism responds to two problems – of pluralism and self-interest – that justificatory monism faces. Through this, my project seeks to re-frame some debates concerning PPR.

In Chapter 3, I pre-empt some criticisms of adopting justificatory pluralism, and defend justificatory pluralism against them. Crucially, I argue that it (i) does not neglect the is/ought distinction; (ii) does not commit a category mistake; (iii) is not messy and unable to help us determine if employing PPR is justified; and (iv) faces no special problem with regards to giving us a response to the question of when political decisions satisfy or violate PPR. I conclude by outlining some implications of my discussions to public reason liberalism.

0.3 Three motivations for justificatory monism

Before proceeding, some brief remarks are due concerning the nature of my project. In the thesis, I argue that we should reject justificatory monism for employing PPR, in favour of justificatory pluralism. But one may wonder why these public reason philosophers have aimed for justificatory monism in the first place.¹⁰ Three putative explanations present themselves, of the motivations for justificatory monism. First, it appears to be a perfectly normal and common aspiration in philosophy to seek a single

¹⁰ I thank M.G.F. Martin for pressing me to clarify this.

key which unlocks a topic.¹¹ This aspiration has seen philosophers working on various topics arguing, for instance, that the plurality of substances in the world may be reduced to one fundamental substance, or that varied properties are actually instantiations of one fundamental property, or that there is only one fundamental or ultimate value – to name a few. Public reason philosophers’ aim towards justificatory monism accords with this common aspiration, and is neither puzzling nor unproblematic. Second, it appears that individuals with plural views share one fundamental interest qua citizens. Justificatory monism might be regarded as sensibly responding to that interest. Third, the alternative to monism is pluralism, which is theoretically messy and may render PPR impotent in fulfilling its function. Responding to these explanations is important if we are to embark on articulating a justificatorily pluralistic account without being uncharitable to accounts which aim at monism. I begin by discussing the second and first motivations, before returning to the third. I argue that the first two are untenable, and the third leaves room for (the success of) justificatory pluralism.

On reflection, the nature of acceptability (of reasons or decisions) as it features in the lives of individuals is revealed to be intimately tied to their systems of beliefs, reasons and values – their doctrinal and doctrinally-influenced views. If so, and assuming a plurality of such views, it seems that the justifications for employing PPR cannot correctly be anything but pluralistic. This is due to variances in individuals’ judgements of which considerations actually justify employing PPR. A consideration which has been proffered as a justification for employing PPR may be accepted by one individual, but rejected by another.¹² A public reason philosopher could not assert that individuals with plural views nevertheless accept one monistic justification for employing PPR – that there is somehow an “overlapping consensus” between adherents of these different views on one justification for employing PPR. That would be either to stipulate, in advance and inappropriately, the results of empirical and philosophical examinations

¹¹ I thank Jonathan Wolff for this point.

¹² Throughout the thesis, I use the term ‘justification for employing PPR’ to refer to ‘consideration which purportedly justifies employing PPR’. While the latter formulation is clearer, it is also clumsier and impedes easy reading. I spell out the formulation fully only in cases where it is important to be clear that a particular consideration which has been offered as justifying the employment of PPR may in fact be *rejected*.

of the relationships between plural doctrines and justifications for employing PPR, or to fail to take disagreement (and the fact of pluralism) seriously.¹³

Here, the thought of those who aim for justificatory monism may be that while individuals are diverse, they are *equal as citizens*. This position is adopted by Samuel Freeman (Freeman 2004: 2030) and Rawls himself (Rawls 1997: 577; 2005: 213). Citizens in democratic societies are described as having a fundamental interest in receiving justification for the political decisions, in terms which are at least consistent with their doctrinal and doctrinally-influenced views. Individuals, no matter how diverse their views, are described as equally having this interest. It is in light of this that justificatory monism appears well-motivated. The monistic justification for employing PPR responds to the one interest which all citizens have. Here, an analogy may be drawn to the analysis of political obligations. Where they exist, they are thought to apply to individuals in virtue of their status as citizens, regardless of differences in their plural views. What considerations justify political obligations would then respond to individuals' equal status, without needing to account for their plural views. Of course, considering individuals' views may help to explain when and whether they *feel* obliged. But whether they in fact *have* obligations is, in principle, a distinct issue for which their plural views appear irrelevant.¹⁴ Correspondingly, the response, on behalf of those who aim for justificatory monism, is not that such differences in individuals' views do not exist, but that they are irrelevant. All citizens have political obligations equally.¹⁵

However, the claim is problematic that diverse individuals possess a fundamental interest qua their equal status as citizens. It depends on a specific view about citizens and their interests, which is again contestable depending on individuals' plural views.¹⁶

¹³ Gerald Gaus, in considering a similar move by Jonathan Quong (in Quong 2011), cautions that 'we must be wary of justificatory victory by definition' (Gaus 2011b: 310). Chad van Schoelandt (2015: 1037-9) also raises similar concerns.

¹⁴ The distinction between 'feeling obliged' and 'having an obligation' is drawn from H.L.A. Hart (1994: 82).

¹⁵ Jonathan Wolff (1995) argues against the idea that there has to (or can be) one justification for political obligation which applies to all citizens equally. I have learnt from his analyses. I will, however, not discuss the success of justificatory monism's potential appeal to discussions of political obligation. The point is simply that it may derive some initial plausibility via such an appeal.

¹⁶ Leif Wenar examines how Rawls' conception of the reasonable person excludes adherents of some specific doctrinal views (Wenar 1995). Paul Weithman argues for a different conception of citizens, upon which he rejects PPR (Weithman 2000: 154-162).

Individuals may well disagree with and reject this conception of citizens, and thus the accompanying fundamental interest in receiving justifications for political decisions in a certain way. Doctrinal views do not simply make claims about “first-order” political issues, but also more abstract issues such as conceptions of citizens. Consider an obvious example. Some evangelicals see themselves as both morally and politically required to proselytise their faith. Their operative conception of citizens would likely not include a fundamental interest in receiving justifications in a way consistent with plural views. Instead, they may understand the fundamental interest of citizens as living in accordance with certain divine laws – even if those laws are not even minimally consistent with some individuals’ views. In effect, the evangelical judges that it is more important to obey those laws, than to allow individuals the freedom to live by what she regards as a “fallen” existence. In such cases, the public reason philosopher may not insist on her particular conception of citizens, without also giving up on her commitment to her account of acceptability. And insisting that individuals of plural views in fact already agree to this conception of citizens would be, again, to engage in inappropriate stipulation or to fail to take disagreement seriously.

The situation is not ameliorated by positing the above conception of citizens as an ideal. Here and again, the relevant question is: *for whom?* In posing the question, we see that the ideal will again be subject to disagreements stemming from individuals’ plural views. The evangelical citizen, mentioned above, who rejects the conception of citizens as having a certain fundamental interest, will likewise reject its re-description as an ideal. Positing the conception as an ideal does not make it immediately shared or shareable by individuals with plural views. Additionally, recall that PPR is invoked to resolve the problem of doctrinally-influenced disagreements. It presents a way through which people who disagree morally may nevertheless find ways of living together. It would be a surprising turn of events if what is needed to solve the problem turn on moral education – of emulating a specifically-described ideal citizen for whom employing PPR is the accepted conflict-resolution strategy. Moreover, if some form of moral education is the answer, why may we not simply begin with it in our attempt to resolve disagreements? Why should we go along with public reason philosophers, down a circuitous route, only to reach the same conclusion? As we have seen, it cannot be because educating individuals into a particular ideal of citizens is less contentious than educating them into accepting specific reasons or specific political decisions. Doctrinal

views are not so limited in their scope, to making claims only about the latter and nothing about the former. The separation between the two forms of moral education is not one which holds across all views – both are similarly problematic.¹⁷ The public reason philosopher cannot address disagreements by positing the conception of citizens as an ideal.¹⁸

Having set aside the second motivation, we may now return to the first. Even if the aim towards justificatory monism accords with a common aspiration and is thus not puzzling, it is far from being unproblematic. Public reason philosophers understand their central commitments as taking disagreement seriously, and resolving them ecumenically. Yet aiming at monism involves these philosophers failing to honour their commitment. That their aim accords with those within other areas of inquiry, will be little consolation for renegeing on their commitments. We may thus also set aside the first motivation for justificatory monism.

The attempt to salvage the direct motivations for justificatory monism is unsuccessful. What about the indirect support provided by the third motivation – that justificatory pluralism is theoretically messy? If this succeeds, then we may have no choice but to stick with justificatory monism for employing PPR – a position bearing some resonance to the quip, made famous by Churchill, that democracy is the least bad political system.

Suppose that the considerations which purportedly justify employing PPR are genuinely plural. That is, they are not merely different instantiations of the same consideration, nor are they justifiable by something more foundational. This raises two related worries, centring on messiness.

¹⁷ The same may be said to the claim that “employing PPR is an ideal conflict-resolution strategy”.

¹⁸ I enter a quick defensive clarification. My discussions in this thesis do not take a position on moral realism or anti-realism (understood as the dispute over whether there are moral truths), or moral objectivism or subjectivism (understood as the dispute over whether moral truths are dependent on moral subjects’ or agents’ views). My claim is simply that in addressing actual political disagreements, we need to examine what reasons actual individuals regard themselves as having. If we take seriously the idea that political decisions must be acceptable to actual individuals with plural views, we see that the truths about moral realism/anti-realism and objectivism/subjectivism *leave open* what is to be done *politically*. That this is so, is revealed by the possibility and sensibility of continuing my discussions here *even after* the meta-ethical truths are discovered or formulated.

The first concerns the understanding of PPR's scope pursuant to these plural justifications. Suppose that the plural considerations purportedly justifying the employment of PPR are democratic inclusion, respect, and civic friendship.¹⁹ However, each of these proffered considerations have their own *scope* – we may think of them as comprising a Venn diagram, of three overlapping sets – they apply to (slightly) different sets of actual cases. For instance, when thinking about a particular political decision, we may discover that while the considerations of respect and civic friendship apply, that of democratic inclusion does not. This would be a case in which the failure to employ PPR puts at stake respect and civic friendship, but does not have any implications for democratic inclusion. Various permutations are possible – any actual political decision may fall within any point within the Venn diagram, and not only in that area where the scopes of all the plural considerations overlap. Here, the worry begins from the observation that the scopes of the plural considerations differ. The sets of cases (or contexts) in which employing PPR is *warranted*, will differ depending on the consideration at hand. Where there are plural considerations on offer, a worry arises about the *overall* set of cases in which employing PPR is warranted. Is there a non-arbitrary (and ecumenical) way of deciding whether we go for the maximal or minimal set – whether employing PPR is warranted just in case any and at least one consideration applies, or instead that employing PPR is warranted only when all the plural considerations apply? Where we have no response to the worry about the overall set, PPR is unable to fulfil its evaluative and guiding function fully. That is, while we may have clear responses on whether employing PPR is warranted in these cases where the scopes of the plural considerations overlap, or when none of the considerations apply, the situation is messier and murkier in “borderline” cases where some but not all of the plural considerations apply.²⁰

The second worry concerns the relationship between the plural justifications for employing PPR, and other considerations which count against employing PPR. Suppose that on a particular construal of the consideration of freedom of expression, employing PPR is unjustified. What should a proponent of justificatory pluralism for

¹⁹ These first two of these justifications will be discussed concretely in Chapter 1.

²⁰ My thinking on the issue of pluralism and messiness has been clarified through conversations with Chuanfei Chin and Jonathan Wolff.

employing PPR say, if some of the justifications for employing PPR outweigh the consideration of freedom of expression, whereas others do not? Should we take employing PPR as justified if any of the plural justifications outweigh the consideration of freedom of expression, or if most of the justifications do, or only if all the plural justifications do so? The worry is that there may be no non-arbitrary way of resolving the messiness, and thus of determining when employing PPR is *justified* when its justifications are in competition with other considerations. Justificatory monism for employing PPR does not run into this problem. Because there is only one justification, we can clearly determine when employing PPR is justified – when its justifications outweigh other considerations against it.

At their roots, these worries centre on the idea that adopting justificatory pluralism for employing PPR, creates messiness which renders PPR unable to fulfil its evaluative and guiding function.²¹ A quick clarification is due. The messiness does not arise from the fact that we cannot tell, in advance, whether specific justifications will outweigh considerations against employing PPR. This difficulty equally applies to justificatory monism, and is not unique to justificatory pluralism. Instead, it is generated by the existence of plural considerations which purportedly justify employing PPR, which creates multiple relationships which have to be accounted for, but which appear to be resistant to non-arbitrary resolutions. And where there are no resolutions, it is unclear if employing PPR is warranted *and* justified in borderline cases – PPR fails to fulfil its function in these cases. Justificatory monism is not susceptible to this form of messiness.

However, the worries do not conclusively rule out justificatory pluralism. They merely show that justificatory pluralism has to non-arbitrarily mitigate messiness. There is room for justificatory pluralism. However, showing that justificatory pluralism is successful requires much more elaboration – which I undertake in Chapter 3, after articulating the core claims of justificatory pluralism in Chapter 2. The eating of the pudding has to be postponed till then. Meanwhile, we may take these worries as constituting a *presumption against* justificatory pluralism – it must allow us to be clear about whether employing PPR is warranted and justified.

²¹ I set aside the issue of whether “being theoretically messy” suffices as an independent criticism.

While our discussions reveal the aim of justificatory monism to be problematic, they do not foreclose the possibility of learning something from examining the discussions of justificatory monists. As I show in Chapter 1, undertaking such an examination reveals the relevance of certain considerations to the justification for employing PPR. These considerations help us to identify the targets that justificatory pluralism has to address. Beginning this way not only allows us to make use of resources already within the literature – rather than starting from scratch – but also forestalls the objection that the selection of considerations loads the die in favour of justificatory pluralism.

1 Excavating Justificatory Monism

1.1 Introduction

I concluded the Introduction with the claim that while the aim of justificatory monism is problematic, there are still lessons to be learnt from examining the discussions. I now undertake this examination.

In sections 1.2 and 1.3, I examine two sets of dialogues between public reason philosophers and their opponents, concerning the justification for employing the principle of public reason (PPR). The underlying question is: how may the employment of PPR be justified to citizens? The answers, according to these public reason philosophers, are: (i) democratic inclusion, and (ii) respect. In each section, I argue that despite their disagreements, these philosophers share a hidden goal of articulating a monistic justification for employing PPR. Specifically, I examine how it accounts for the justificatory burdens these philosophers impose on themselves – as revealed by the criticisms they anticipate, and the objections they marshal against their rivals. In addition to the excavatory work, I highlight several neglected considerations relevant to the justification for employing PPR, but the implications of which have not been fully considered.

In section 1.4, I argue that these considerations have to be accounted for by any account of the justification for employing PPR. Thinking of how to do so, presents us with one more argument against justificatory monism – concerning the variable relative weight of considerations from the perspectives of individuals' plural views. This takes us one step closer towards justificatory pluralism, which I articulate in Chapter 2.

1.2 Democratic inclusion

1.2.1 A brief dialogue

Joshua Cohen argues that political decisions within a deliberative democracy should be governed by the ‘principle of deliberative inclusion’ (Cohen 1996: 102).²² The motivation for this principle begins from Cohen’s conception of citizens within deliberative democracy (1996: 106). Citizens have equal standing as co-deliberators about fundamental political issues that govern their shared lives (1996: 102). They are ‘equals in the enterprise of self-government’ (Cohen 2011: 257). Their equal status consists in each being regarded as possessing the capacities required for participating in discussions aimed at authorising the exercise of power (1996: 96). These deliberative capacities are engaged when the political decisions are supported by considerations which citizens accept as reasons (1996: 100, 106). These are public reasons – acceptable from the perspective of all citizens despite their plural views. Citizens are deliberators only if these capacities are engaged. The concern with the democratic inclusion of all citizens as (co-)deliberators means that political decisions must be supported by public reasons. The principle of deliberative inclusion may thus be taken as imposing the same requirement on political decisions, as that of the consensus model of PPR. When the principle is met, citizens are included as equal co-deliberators in the enterprise of self-government, and able to regard political decisions as jointly reached.

The principle is violated when non-public considerations are employed in supporting political decisions. Non-public considerations are only regarded as reasons by some individuals from the perspectives of their doctrinal views, but not so from the perspectives of those who do not subscribe to those views (1999: 100).²³ When they are employed, some citizens’ deliberative capacities will not be fully engaged. Considerations which are taken by some citizens ‘to provide no reason at all’ are introduced into the deliberative process (2011: 262), and the eventual decision is not one which they can regard as having reached via their own deliberations. Cohen describes the employment of non-public considerations as a form of exclusion, in ‘the space of reasons’ (2011: 271). Some members are treated as outsiders whose non-

²² This claim features in Cohen’s broader project of articulating a conception of deliberative democracy as organised around an ideal of political justification (1996: 99). I am concerned with the *justification for employing* the principle, and set aside the implications of my discussion to the success of Cohen’s broader project.

²³ That is, Cohen understands PPR, when employed, as requiring weak consensus on reasons – they must be regarded as *being* reasons. A stronger consensus requires those reasons to feature in citizens’ views. Kevin Vallier (2011: 263) discusses the distinction.

acceptance of the non-public considerations are not taken seriously for the enterprise of collective self-government. This ‘is a kind of civic exclusion’ (2011: 261). Some citizens are excluded from the set of deliberators – denied their equal standing as co-deliberators (1996: 103).²⁴

Cohen clarifies what is involved in this exclusion. First, the exclusion is not based on whether citizens feel that they are excluded, nor whether it is reasonable for them to feel excluded. Instead, the exclusion turns on whether the reasons supporting political decisions are based on views not shared by all citizens (2011: 261-262). Second, exclusion from the space of reasons is distinct from exclusion from the space of rights and interests. The former is compatible with the equal and inclusive protection of the rights and interests of all citizens (2011: 261, 263, 271). Moreover, the former neither necessarily causes, nor constitutes, the latter. Third, the concern with exclusion from the space of reasons is nevertheless ‘foundational’ for democracy (2011: 272). Deliberative inclusion is a form of civic or democratic inclusion. It should undergird and guide all democratic decisions.

In effect, and on our terms, Cohen regards employing PPR as demanded and justified by the consideration of democratic inclusion (2011: 271). This reading echoes Rawls, who summarises Cohen’s view by saying that ‘[d]eliberative democracy limits the reasons citizens may give in supporting their political opinions to reasons consistent with their seeing other citizens as equals’ (Rawls 1997: 772n21). From the perspective of citizens engaged in public deliberation, the consideration (and principle) of democratic inclusion justifies their limiting the reasons supporting state action – to public reasons rather than non-public considerations. Employing PPR is needed to govern our political decisions, on pain of failing to include all citizens as equal co-deliberators.

Cohen introduces a caveat on the scope of the justification for employing PPR – it does not apply to all types of disagreements. Instead, it covers only disagreements about political decisions which involve *religious* non-public considerations (Cohen 2011:

²⁴ I set aside the worry that this conception of citizens is contestable. Paul Weithman argues that conceptions of public reason such as Cohen’s imply a view about citizens that does not fit with how actual citizens ordinarily view themselves (2000: 154-162).

264-265). Religions make claims about ‘sacredness’, or describe certain things as being of ‘intrinsic value’ (2011: 265). These cannot be ‘traded off, negotiated over, or trespassed upon’ (2011: 265). Accepting these claims has wide implications over a life – they give their adherents reasons which are ‘comprehensive in scope and fundamental in substance’ (2011: 258). This final feature distinguishes religious views from non-religious views, though Cohen acknowledges that some secular moral views may nevertheless be described as religious (2011: 266). Non-public considerations specific to a particular doctrine are not within reach of adherents of another doctrine. When a political decision is supported by such considerations, it ‘takes a position on an outlook of comprehensive scope that comprises in a relatively integrated way ideas about the sacred and about conduct and attitudes toward what has sacred importance’ (2011: 268). There is a corresponding ‘usurpation of individual judgment’ (2011: 268). This is because the political decision is regarded as being made in *everyone’s* name, despite the fact that some citizens do not regard the non-public considerations supporting it as reasons to begin with. From their perspectives, such decisions are made in their name without engagement of their deliberative capacities, and especially without their endorsement. They are excluded as equal co-deliberators, and from the space of reasons.

Cohen contrasts disagreements involving religious considerations, with two other types of disagreements. In pure policy disagreements, citizens disagree on factual considerations concerning what best achieves their agreed goal. In political-philosophical disagreements, citizens agree on some common considerations (as being reasons), but disagree about their interpretation and weight. In both cases, the disputed considerations ‘are not presented as parts of comparably comprehensive and fundamental outlooks’ (2011: 268). Unlike religious considerations, they are not regarded as comprehensive and fundamental by their proponents. Moreover, the disputed considerations are ‘within reach’ to – intelligible and regarded as reasons by – even those who reject them (2011: 264, 265). Employing them to support political decisions neither excludes citizens as equal co-deliberators, nor from the space of reasons.²⁵

²⁵ Cohen appears to neglect how disputed considerations in policy and political-philosophical arguments may likewise be ‘out of reach’ for adherents of certain policy or political-philosophical positions. Consider the issue of what interests citizens rightly have, as debated by a comprehensive libertarian, liberal, and socialist (generally described). Each disputant sees a particular consideration as giving or constituting comprehensive and fundamental reasons,

Andrew Lister’s criticism of Cohen’s view is surprisingly brief – contained in just one paragraph. It bears more examination. His complaint is that ‘it does not follow that all laws justifiable only by non-public reasons involve a denial of equal standing as citizens’ (Lister 2013: 41). He cites the following disagreement involving religious considerations supporting a political decision, as a counter-example illustrating his criticism.

Abe: ‘Consider, for example, the case of Abe the atheist forced to pay high taxes to support the generous social welfare system that the majority of the population thinks is required by Christian charity.’ (Lister 2008: 277; 2013: 41).²⁶

the full values of which are not properly understood from the perspectives of the others, and which are unable to be endorsed from a common perspective that they can accept. While these disputants may not condemn each other’s souls to hell, there are nevertheless similar mutual denunciations and accusations of *foundational* error. In effect, such disagreements mirror those about religious considerations, and may be similarly intractable. Timothy Fowler and Zofia Stemplowska discuss this point in greater length (2015: 141-144).

Moreover, and keeping to Cohen’s earlier qualification: even if the disputes were not *presented as such*, it does not mean that we do not need recourse to the different comprehensive views in order to make full sense of the disputed considerations. If so, adoption of disputed policy or political-philosophical considerations may also involve exclusion in the space of reasons – and should likewise be governed by the employment of PPR. However, this neglect does not contribute to the main arc of this section, and I set it aside. I revisit the issue of varying interpretations and relative weights of considerations in Chapter 2.

²⁶ As it stands, it is unclear whether Lister’s example adequately supports his claim that not all laws ‘justifiable only by non-public reasons’ involve a denial of equal standing (Lister 2013: 41). The case of Abe is *justifiable* using public reasons – there certainly could exist public reasons to support a generous social welfare system. The fact that the decision is not actually justified by public reasons does not imply that it could not be justifiable thus. What Lister needs for his claim, is a stronger case in which the law or political decision is, in principle, not justifiable except by non-public considerations. The case then might not “merely” be one concerning taxation in support of a welfare system. But such a claim is unnecessarily strong, in generating the worry about exclusion. The fact that non-public considerations *are* employed in supporting a political decision is sufficient to generate Cohen’s initial worry about exclusion. Citizens who realise that non-public considerations are employed will find it of little consolation that the decision could in principle be supportable by public reasons. For them, the fact remains that the decision was not supported that way. Of course, there is a payoff of adopting the stronger claim about what constitutes exclusion. It imposes fewer restrictions on the kinds of considerations that may be employed in supporting political decisions. While the reduction of restrictions might be, on its own, a political good, it is unclear that such an account of what constitutes exclusion accurately captures what actual individuals regard as constituting exclusion. I adopt the weaker, and more plausible, reading throughout – though I note that I am unable to fully consider its motivations and implications here.

In this case, religious (non-public) considerations support the political decision to impose high taxes. The case fits Cohen's account concerning the kinds of disagreement for which we should employ PPR. And here, PPR has been violated. Lister argues, however, that this violation does not result in Abe 'being made a second-class citizen' (2013: 41), in the sense of being denied his equal standing as a citizen.²⁷ The consideration of democratic inclusion is not violated in the case of Abe; it is thus unable to justify employing PPR. Its failure here means that it is unable to justify employing PPR in *all* cases of disagreement involving religious considerations which support political decisions. Not all such disagreements are alike – even if the considerations employed are non-public and religious. Some such disagreements do not lead to, or constitute, democratic exclusion. This reading of Lister's argument is supported by his subsequent claim that Cohen's justification for employing PPR 'must be restricted' to a smaller set of cases (2008: 277; 2013: 41).

Lister makes a peculiar move: on the basis of this counter-example, he concludes that Cohen's justification for employing PPR is *unsuccessful* (2013: 29). What explains the quickness of this move? That is, why could Cohen not qualify or elaborate his account in response to Lister? On the surface, it seems that Lister's counter-example succeeds only in showing that Cohen's position lacks nuance and is thus under-developed, but not that it is unsuccessful. Yet Lister does not consider this possibility, and rejects Cohen's position outright. I suggest that we can only make sense of Lister's criticism of Cohen, in the context of their (common) aim towards justificatory monism for employing PPR. This suggestion is supported by two observations.

1.2.2 *Excavating justificatory monism*

The first observation is that Cohen's discussion is intended to apply to *all* cases of disagreements involving religious considerations. Recall that the crucial feature of such disagreements is that such considerations are not regarded as reasons by some of the

²⁷ Lister actually neglects Cohen's qualification that the exclusion occurs in the space of reasons. On Cohen's terms, Abe is excluded because the decision to impose taxes is supported by non-public considerations that he does not regard as reasons. His equal standing as a co-deliberator has not been taken seriously – and in *this* sense he is indeed denied his equal standing. However, Lister's misunderstanding of Cohen is tangential to my focus, which concerns how we should understand his criticism, including what he *tries to achieve* in making it.

disputants. Cohen himself considers a counter-example in which ‘there is some mutual comprehension’ between the disputants (2011: 270). That is, they ‘*think* they understand one another’ enough to know that each offers genuine reasons for their case (2011: 270, my emphasis). The disputants acknowledge that the considerations are reasons for their opponents, but not for themselves. Cohen claims that despite this purported mutual comprehension, the disputants ‘will typically not see a case that can be made for those ideas – or for resolving differences between and among competing views – from a common ground of *conviction*’ (2011: 270, my emphasis). Cohen says nothing about pragmatic resolutions. Presumably, he does not deny that they are possible. His focus is instead on resolution from the perspective of only the disputants’ doctrinal convictions. And from that perspective, there is typically no acceptable common ground for conflict resolution.

There are two readings of this claim, centring on the qualification ‘typically’. It may be taken as allowing for the possibility that some “neighbouring” or closely-related religions may in some cases contain common ground for conflict resolution, without the disputants having to relinquish their convictions. Or it may be taken as a claim about how disputants may sometimes *view* there to be common ground for conflict resolution. The latter reading is ruled out by Cohen’s statement that his focus is on the *content* of the religious claims, rather than the psychological states of the disputants (2011: 267). The claim, on the former, is diminished by Cohen’s observation about the difficulties of finding common ground even in closely related branches of Christianity (2011: 270). While Cohen does not make it explicit, his message appears to be that trying to find common ground between less closely related religions (such as between Christianity and Buddhism broadly construed) will fare worse. What, then, is the work done by the qualification ‘typically’? We are left with seeing it as leaving open a bare possibility that at some point, some two religions we have not quite fully considered hitherto, may contain common ground for conflict resolution – though no such common ground is found now. But this is to concede that the qualification is, in *our* case, idle.

Setting aside the qualification, the implication of Cohen’s discussion of the counter-example is that employing PPR is warranted and justified in all cases of our disagreements involving religious considerations. Even if the disputants *think* they may have found common ground, a thorough consideration of the content of the

considerations reveals such ground to be non-existent. Non-public religious considerations will not be regarded as reasons from the perspectives of other religions. This raises, again, the spectre of civic exclusion in the space of reasons, and employing PPR is justified.

Second, it is in light of the aim of providing one justification for employing PPR in all such cases, that we should situate Lister's counter-example. Suppose Lister is right that Abe is not denied his equal standing as a co-deliberative citizen, even though non-public religious considerations are employed.²⁸ The concern for democratic inclusion is not violated, and is unable to justify employing PPR. Cohen's account is then unsuccessful. The fact that there is (at least) one case in which the consideration of democratic inclusion does not justify employing PPR, falsifies the claim that it justifies employing PPR in all cases. The counter-example makes sense given the aim towards justificatory monism. Lister's criticism is not hasty, but actually motivated by this shared aim.²⁹

This reading of Lister – as similarly aiming towards justificatory monism – is reinforced by his initial claim that 'it does not follow that all laws justifiable only by non-public considerations involve a denial of equal standing as citizens' (2013: 41). Why is the relevant explanandum *all*, rather than *some* or *most* laws? It is only so, if the aim is to provide a justification for employing PPR which applies to *all* contexts and cases. Without this aim, the claim that there are exceptions achieves little as a criticism.

1.2.3 Lessons: Multiple values, weight, doctrinal acceptability, burdens, and context

We may yet learn something from the Cohen-Lister interaction, by examining Lister's counter-example along with some variations. Doing so reveals five additional considerations relevant to the justification for employing PPR, but which have not been

²⁸ Again, we set aside worries about Lister's misreading of Cohen, to focus on his *aim* in making the criticism.

²⁹ This argumentative strategy is present elsewhere. For instance, Colin Bird (2014) employs counter-examples to argue against the justification for employing PPR based on the consideration of coercion.

thoroughly considered by them. In Chapter 2, I argue that they are better accounted for by justificatory pluralism.

Recall that on the consensus model, PPR demands of political decisions that they are not supported by non-public considerations. PPR sets a constraint on the kinds of considerations that we may invoke in supporting political decisions. On Cohen's view, a failure to meet this demand constitutes the exclusion of some citizens from the space of reasons. Democratic inclusion is certainly an important political value.³⁰ However, how are we to evaluate the salience of this exclusion relative to our *other* political goods and values?³¹ What is their weight relative to each other, and does the former trump the latter in all cases? To examine these relationships, I consider several modifications of Lister's example of Abe.

Betty: Betty the atheist is forced to pay high taxes to support a generous welfare scheme which addresses inequalities in political, social, and economic opportunities between men and women. The consideration supporting the decision is that of Christian charity. The majority of the population accepts this consideration as a reason supporting the decision.

Betty's case is similar to Abe's in crucial respects. A political decision is supported by a consideration she does not regard as a reason, but which the (religious) majority of the population does. Yet she is subject to this decision, and has to pay higher taxes. Note that, like Abe's case, it is not that the decision cannot be in-principle supported by considerations which Betty could regard as reasons – the point is simply that it is not actually thus supported. Given this, exclusion from the space of reasons occurs. The main difference between the two cases, is that goal of the decision in Betty's case is more specifically described. This makes the effects of the decision clearer – including what would be lost in the absence of that decision. In Betty's case, the political decision directly addresses, and attempts to avoid, *other* forms of civic exclusion generated by

³⁰ The employment of PPR has also been linked to the political value of legitimacy (Rawls 2001: 41; Peter 2017). I regret that I am unable to take up this issue here. However, I note that my claims here are compatible with there being multiple political values tied to the employment of PPR.

³¹ Here, I have learnt from David Enoch's argument that the considerations justifying the employment of PPR is but one among others in the political domain (Enoch 2015: 138-140).

the various kinds of inequalities present in her society.³² How do our concerns with avoiding these forms of exclusions – which are connected to other political goods and values – relate to that of avoiding exclusion in the space of reasons? In fact, Cohen acknowledges that they are also important to a democracy (Cohen 2011: 272), but does not elaborate on their importance relative to exclusion in the space of reasons. These concerns are several and varied, and in contingent circumstances, the demands they impose on us (in terms of what we ought to do politically) pull us in different directions. And in Betty’s case, addressing these concerns about other forms of civic exclusion means going against employing PPR, which is a response to only one form of civic exclusion.

What Betty’s case highlights, first, is that the fact of some citizens’ exclusion from the space of reasons because of a political decision, leaves open the issue of the other effects of that decision. In some cases (such as Betty’s) the decision may, *despite* its employment of non-public considerations, generate effects that mitigate against other forms of civic exclusion – and protect *other political goods and values*. Given that we are also committed to reducing or eliminating other forms of civic exclusion, we should be amenable to invoking non-public considerations in some such cases – if no recourse to public reasons is available or effective.³³ We should not simply assume that the consideration pertaining to exclusion in the space of reasons is *all* that we need in thinking about making political decisions, nor that it is the most important.

Second, the fact that there exist multiple political goods and values, points us to the issue of their *weight* relative to that of Cohen’s consideration of democratic inclusion. The question has to be addressed, not evaded, in order to understand whether employing PPR is all-things-considered justified despite these multiple considerations which may counsel against employing it.

Third, we are also concerned with the *doctrinal acceptability* of political decisions. Specifically, with whether a decision may be regarded as minimally compatible in with

³² Discussing how political, social, and economic inequalities lead to, or constitute civic exclusion will take me too far from my focus. I take it for granted that these causal and constitutive relationships obtain. Here, I have learnt from the analyses of Iris Marion Young (2000).

³³ I return to the issue of effectiveness in Chapter 2.

individuals' doctrinal considerations and thus accepted, or as controversial and to be resisted. Thus, we need to consider how the considerations supporting a political decision feature in individuals' views. This has received much attention within public reason liberalism. However, less attention has been paid to how the consideration of doctrinal acceptability interacts with other considerations which individuals also have.

Consider the following elaboration of the case of Betty. Suppose that the majority of the citizens in Betty's society do not regard public reasons as sufficiently weighty to even support a decision to create a welfare system – much less a generous one. That is, public reasons are given little weight relative to considerations stemming from citizens' doctrinal views. In this case, the defence (by the public reason philosopher) that the welfare scheme may, in principle, be supported by public reasons, is unsatisfactory. From the perspectives of the majority of citizens, these public reasons under-determine the decision to create the welfare system in the first place. Suppose, further, that they would reject the decision if it were supported solely by public reasons. However, once non-public religious considerations (concerning Christian charity) are introduced, they support the decision to create a generous social welfare scheme.³⁴ The invocation of non-public religious considerations in Betty's case, then, serves important purposes – not only of ensuring doctrinal acceptability to most citizens, but also of bringing about or protecting other political goods and values. In this case, the decision to employ PPR, and thus only public reasons, involves giving up these other goods and values. And the fact that we regard them as important, counts against employing PPR.

Or consider Betty herself. Though the decision is supported by non-public considerations which she does not regard as reasons, Betty may still support it because of the other political goods and values that it protects. While the consideration of doctrinal (un)acceptability may counsel against accepting the decision, her concerns are much broader. That she is also concerned with other political goods and values, may allow her to accept the decision despite its doctrinal unacceptability.

³⁴ I believe that the cases of Martin Luther King, Jr.'s and Abraham Heschel's use of religious arguments during the Civil Rights Movement may be given a similar gloss, though I am unable to take up the issue fully here.

In these two cases, as in the case of Abe, it is unclear that the fact that some citizens regard a decision as doctrinally unacceptable gives us *conclusive* reasons – such that no further debate is necessary – not to employ non-public considerations. Our concerns go beyond that of doctrinal acceptability. We also care for multiple political goods and values, which we need to weigh against it.³⁵

Consider the next case.

Charlie: Charlie the atheist is subject to a very low increase in his taxes to support a generous welfare scheme which addresses inequalities in political, social, and economic opportunities between men and women. The consideration supporting the decision is that of Christian charity. The majority of the population accepts this consideration as a reason supporting the decision.

The only difference between Charlie's and Betty's cases, is that Charlie is subject only to a very low increase in his taxes to support the welfare scheme. Suppose that the increase is indeed very small – less than 1%. The way that the decision has been supported is doctrinally unacceptable to Charlie. But again, does this give us conclusive reasons to refrain from invoking non-public considerations in supporting the decision? To answer this question, we have to recognise that the *burden* imposed on Charlie is relatively minor in two senses. Given that the increase in his taxes is very low, the financial burden imposed on him is minor relative to his circumstances in a counterfactual situation in which the decision was not made. He can continue to pursue his projects without requiring substantial adjustments to his life, even given this increase. Importantly, it is minor relative to the burdens that would otherwise be faced by the potential beneficiaries of the welfare scheme. Suppose, as in Betty's case, that the majority of the Christian population can only be brought round to supporting the creation of the generous welfare scheme only if it were presented as being supported by non-public considerations. The insistence on presenting only public reasons to support the decision, means a significantly increased risk is incurred of these citizens

³⁵ This being said, in some cases the mere fact of doctrinal unacceptability will and *should* have great and overriding weight relative to other considerations. I have explored this issue elsewhere, in relation to the Mental Capacity Act 2005 of England and Wales (Lim, Dunn & Chin 2016). The weight of the consideration of doctrinal acceptability thus varies depending on the context, and cannot be determined in advance. I revisit this in Chapter 2.

judging the decision under-determined and un(der)-supported, and thus of forsaking its other beneficial effects. And again, it is unclear that the concern with exclusion from the space of reasons conclusively outweighs these other concerns.

The point about relative burdens may be sharpened.

Diana: Diana the atheist is automatically enrolled into paying a very low increase in her taxes (less than 1%), to support a generous welfare scheme which addresses inequalities in political, social, and economic opportunities between men and women. The consideration supporting the decision is that of Christian charity. The majority of the population accepts this consideration as a reason supporting the decision. Diana may opt out by completing some paperwork.³⁶

The burden imposed on Diana is equivalent to that imposed on Charlie. However, she has an exit option – she may avoid shouldering the financial burdens imposed by the decision. Should she disagree with the decision or with how it is supported, and refuse to pay the additional taxes, the burden imposed on her pertains only to the inconvenience of completing the paperwork to opt out of the scheme. This burden is even more minor, relative to Diana's projects and especially to that which would otherwise be faced by potential beneficiaries of the welfare scheme. Consider then, in this case, Diana's complaint that she has been excluded from the space of reasons because of the way in which the political decision has been supported. Note that the issue here is not whether Diana's complaint is warranted. It surely is, if we think of such exclusion as problematic. My concern is instead with how her complaint stands in relation to those made by citizens who would be otherwise deprived of welfare support. Would her exclusion trump or outweigh their exclusion? We do not want to stipulate that Diana's exclusion, no matter how trivial, trumps other forms of exclusion (or other

³⁶ This case is inspired by Singapore's Central Provident Fund Act 1998 (Chapter 36, Section 76(3)), in which a small amount of citizens' monthly income (between S\$0.50 to S\$30 (£0.25 to £15), corresponding to variance in income and racial groups) is automatically donated to racially-based community (charity) funds. The amount translates to between roughly 0.02% to 0.25% of an individual's monthly income. Citizens may opt out of the scheme. Information on the scheme is available at: [http://www.cpf.gov.sg/Employers/EmployerGuides/employer-guides/hiring-employees/contributions-to-self-help-groups-\(shgs\)-and-share-donations](http://www.cpf.gov.sg/Employers/EmployerGuides/employer-guides/hiring-employees/contributions-to-self-help-groups-(shgs)-and-share-donations).

political goods and values). And thinking about their relative weight requires us to consider the variable burdens imposed by the decision.

Finally, consider the specific *context*, or the kind of state action, in which Lister's case of Abe (along with the others, B to D) is situated. The decision is a piece of tax legislation. However, Cohen originally discusses judicial judgements and verdicts (Cohen 2011: 266), and a generally-described situation in which 'the state endorses a religious view' (268), presumably via the constitution. The divergence in their examples is revealing – even if Lister does not discuss it.³⁷ It is plausible that the context in which non-public considerations are employed is a salient consideration for whether employing PPR is justified. The underlying idea is that the invocation of non-public considerations in judicial or constitutional decisions is more problematic than doing so in a piece of tax legislation. Rawls appears to adopt this position, when he claims that PPR should be employed by judges and for constitutional essentials, but not 'for all the questions to be settled by the legislature' (Rawls 2001: 91). This consideration concerning the context of state action need not be "brute". It may simply be a function of the various considerations that we have been discussing. That is, the contexts in which political decisions occur, changes the weight of the considerations justifying or detracting from employing PPR. I revisit this in section 1.3.3 and Chapter 2.

Of course, it is open to someone sympathetic to Cohen to argue that the concern to avoid exclusion in the space of reasons is the most foundational. If successful, this defence renders the above discussions of the various considerations irrelevant to whether employing PPR is justified. This defence may take two forms – either the various considerations are eventually grounded in (or reducible to) that pertaining to exclusion in the space of reasons, or they are outweighed by it. Given the rather varied nature of the considerations, the first option is implausible. And focusing on the specific cases – in which the considerations are not conclusively outweighed by that of exclusion in the space of reasons – we see the implausibility of the second option. To resist these briefly-reached conclusions, the (contingent) conflicts between these

³⁷ Again, we see that Lister appears to be inattentive to Cohen's arguments. However, note that the introduction of a case from a different context or area of state action makes sense given the aim of justificatory monism, which seeks to provide one justification applying to all contexts and cases.

considerations must be explained and resolved, rather than dismissed via stipulation. But such explanatory work has precisely not been undertaken.

Summing up, the examples of Betty, Charlie, and Diana reveal to us the existence of additional considerations relevant to the question of whether PPR is justified, beyond the concern with exclusion in the space of reasons. We must consider the existence of other political goods and values, the doctrinal acceptability of a political decision, the burdens that are imposed and ameliorated, and the context in which the decision is situated. The pressing task is to explicate the relationship between them. For instance, some explanation is needed for our as-yet inchoate judgement that the failure to employ PPR is successively less problematic across the cases.

1.3 Respect

1.3.1 A brief dialogue

James Boettcher argues that employing PPR is justified by the consideration of respect for persons as citizens. Specifically, the ‘concept of respect for persons as fellow citizens can be understood to serve as the normative foundation of the idea of public reason’ (2007: 226-7). There are two important elements of such respect. First, it involves an acknowledgement of the equal moral standing of other persons as citizens. In acknowledging this, we ‘make ourselves accountable’ to them in our behaviour and relationships to them (2007: 227-8).³⁸ Second, it involves the ‘acknowledgement of the aims, projects, and values of other persons’ (2007: 228). Specifically, that these aims, projects and values are central to their identities and self-understanding (2007: 228).

Boettcher’s argument for the justification for employing PPR superficially resembles Cohen’s. We respect citizens as fellow deliberators on political decisions by seeking

³⁸ In elaborating this, Boettcher refers to Stephen Darwall’s account of recognition respect. However, Darwall sees himself as providing ‘a more fundamental rationale’ for the contractualism of Rawls (Darwall 2006: 297). Were Boettcher to adopt Darwall’s account, he would have to show that this rationale is compatible with his adoption of Rawls’ political liberalism – especially the avoidance of reasonably rejectable conceptions in the face of reasonable pluralism. It appears to suffice for Boettcher’s account, that he simply adopts Rawls’ construal of the equal standing of citizens in terms of their possessing the two moral powers – which is what he argues for anyway (Boettcher 2007: 229-230).

justifications for the exercise of political power that they can accept (2007: 231). But whereas Cohen's justification centres on inclusion, Boettcher's focus is on respect. Drawing from Rawls, Boettcher observes that decisions on fundamental political questions provide the framework for citizens' pursuit of their conceptions of the good. Moreover, they have deep and long-term social effects on citizens' lives, and shape the kinds of persons citizens are and aspire to be. These decisions have significant impact on the aims, projects, and values of citizens – and thus on their identities and self-understanding (Boettcher 2007: 230-231; Rawls 1993: 68). Given the gravity of these decisions, we must ensure 'each citizen is equally entitled to consideration in the reasoning that would justify political decisions' (2007: 231). This is achieved through the employment of public reasons that all can accept (2007: 231). Recall that non-public considerations are specific to specific doctrinal views, and are regarded as reasons only by citizens who hold those views. To demand that citizens adopt the perspectives of these views (to which they do not subscribe), just 'in order to avail themselves of the justifying reasons' for political decisions, is to disregard and disrespect their freedom to endorse other conceptions of the good (Boettcher 2007: 232). Citizens must refrain from employing non-public considerations in supporting political decisions (2007: 233). Their employment of PPR is justified by respect.³⁹

This respect justification for employing PPR is challenged by Micah Lott (who, like Boettcher, sees the respect justification as already present in Rawls). Discussing two counter-examples, Lott argues that the consideration of respect is insufficiently strong, from the perspective of some citizens with strong convictions stemming from their doctrinal and doctrinally-influenced views, to justify the non-employment of non-public considerations. For such citizens, the considerations within their doctrinal and

³⁹ There is a tension in Boettcher's discussion of the search for public reasons. He distinguishes between reasons that all might accept, and those which all might accept as 'at least consistent with their status as free and equal citizens who are due fair terms of cooperation' (2007: 231). He claims we 'need not attempt the seemingly impossible task' of locating reasons that are acceptable in the former sense (2007: 231). We should instead search for reasons acceptable in the latter sense. However, wanting such reasons is compatible with demanding citizens to adopt standpoints which are not their own – the latter of which Boettcher rejects. That those reasons are consistent with their status as free and equal citizens may be little consolation for the disrespect involved in making the demand. More elaboration is needed. Elsewhere, Boettcher gives yet another characterisation: that public reasons 'are assumed to be significant or sufficient for others, are considered minimally credible and relevant, given the epistemic circumstances of their reasonable interlocutors' (2009: 230). The same worry arises.

doctrinally-influenced views are weightier than the justification for employing PPR, and thus also PPR's demand to employ only public reasons. Instead, they 'will forgo public reason' (Lott 2006: 81).

1.3.2 *Excavating justificatory monism*

The nature of Lott's challenge is similar to Lister's challenge to Cohen – the presence of counter-examples indicates that Boettcher's respect justification for employing PPR is incomplete and thus unsuccessful. Lott's assumption, which resembles Lister's, is that the justification for employing PPR must apply to all contexts and cases – that is, be justificatorily monistic – to be successful.

Boettcher's aspiration for justificatory monism is revealed, first, in his response to Lott. He argues that the consideration justifying the employment of PPR is one which all citizens have (Boettcher 2012: 166). Citizens' failure to employ PPR – occurring when they use non-public considerations to support political decisions – warrants our subjecting them to moral criticism (2007: 246; 2012: 160, 170-171). Criticism is warranted even if, from citizens' perspectives, the justification for employing PPR is outweighed by other considerations stemming from their doctrinal views.⁴⁰ Here, Boettcher introduces a qualification. The justification for employing PPR is not absolute. Instead, it is *prima facie*, and may be outweighed by other considerations (2012: 157-158).⁴¹

A quick clarification is due here. It is more accurate to characterise the justification for employing PPR as *pro tanto* rather than as *prima facie* in nature. A consideration may either *prima facie* or *pro tanto* justify the employment of PPR. We may understand the

⁴⁰ Boettcher acknowledges that in some cases, we may decide to tolerate the failure (2012: 171), but does not elaborate. This means that he leaves the question of the relative weight of the justification for employing PPR crucially unanswered. We have seen in section 1.2.3 that the consideration of relative weight must be accounted for when thinking about whether employing PPR is justified.

⁴¹ Boettcher actually refers to citizens having *prima facie obligations* to employ PPR. However, I wish to side-step the talk of obligations and duties, as they are moral terms subject to the kind of disagreement that (the invocation of) PPR is supposed to address. My framing – on considerations which justify employing PPR – is more minimal, and compatible with Boettcher's stronger claim that the justification for employing PPR translates into citizen's obligations to employ PPR.

distinction as follows. When a *prima facie* justification is defeated, the supporting consideration either no longer applies, or loses its justificatory force, or both. However, when a *pro tanto* justification is defeated, its consideration still applies (despite being outweighed) and retains its force.⁴² On Boettcher's account, the fact that the consideration of respect justifying the employment of PPR applies to citizens *even* when it is outweighed, means that the justification is *pro tanto* rather than *prima facie* in nature. If it were of a *prima facie* nature, the consideration of respect would cease to apply when citizens regard the latter as outweighed by other considerations. Boettcher would then be unable to argue that citizens' failure to employ PPR warrants moral criticism. In such a case, no criticism is warranted because the initial consideration which *prima facie* justifies employing PPR either ceases to apply, or retains no force in justifying its employment. A note on terminology: I will refer to a "consideration which *pro tanto* justifies employing PPR" as a "*pro tanto* justification for employing PPR". Thus, when "the respect justification is outweighed", it means that "the consideration of respect which *pro tanto* justifies employing PPR is outweighed". I use the full phrase only in cases where the consideration is not regarded as *pro tanto* justifying the employment of PPR.

Returning to the issue, Boettcher's intention is apparent – to establish that the consideration of respect *does* apply to *all* citizens, and *pro tanto* justifies employing PPR in all context and cases. If successful, Lott is mistaken and Boettcher preserves the justificatory monistic status of his account.⁴³

Examining the *cost* of Boettcher's qualification reveals a second piece of evidence for his aspiration towards justificatory monism. From our discussions, we see that the fact that the justification for employing PPR is *pro tanto*, means that PPR's demand to use public reasons is likewise *pro tanto*. With this, consider a scenario of political disagreement in which the justification for employing PPR (and thus PPR's demand to use public reason) is regarded by all disputants as outweighed by their non-public considerations. Here, it counts for little to describe citizens as equally subject to PPR's demand. PPR is unable to govern their disagreement with each other – despite being

⁴² See Andrew Reisner (2013) for a detailed discussion of the distinction, as applied to "oughts".

⁴³ Robert Talisse (2012) echoes this view.

precisely the principle touted as capable of doing so. The move to preserve justificatory monism may then strip PPR of its ability to fulfil its function. Drawing from Rawls – and as a response to Lott – Boettcher attempts to block the triviality of the justification for employing PPR, and thus of its demand, by claiming that the *pro tanto* justification and demand is generally weightier than other considerations in the great majority of cases concerning fundamental political issues (2007: 233, 247; 2012: 168, 170; citing Rawls 1993: 241). Yet surely this is an empirical claim which can neither be asserted nor stipulated. Boettcher would need to show that citizens actually accord them great weight. He would need to complete the exegetical project of showing that the justification is actually relatively weightier than other considerations in most doctrinal and doctrinally-influenced views. This is no easy task – if it may even be completed – given that different views also contain different standards for determining the weight of considerations. Moreover, even if we were to set this aside – it remains that PPR does little or no work in resolving disagreements when its justification and demand are regarded as outweighed by all disputants.

Boettcher comes close to acknowledging the possibility of multiple justifications for employing PPR in his discussion of the different social roles of citizens and government officials. He develops Rawls' claim that the justification for employing PPR, and thus its demand to use only public reason, applies differently to public officials and ordinary citizens (2009: 224; citing Rawls 1993: 213-220). Boettcher argues that the role of government officials gives those who occupy them good reasons to meet the demand to use only public reasons (2012: 166). That is, the justification for employing PPR has great weight because of their role. Their failure to accord such weight to the justification, and thus to use only public reasons, is therefore 'rarely (if ever) tolerable' (2012: 171n46). The role of citizens, in contrast, does not give such reasons (2012: 165). For them, the justification for employing PPR, and thus its demand, does not always have great weight. Citizens need to use only public reasons only in a limited range of circumstances. That is, when they are directly involved 'in law-making on fundamental questions, through public referenda and other mechanisms of direct democracy' (2009: 224), when they 'analyze matters of law and policy as if they were legislators', and 'attempt to hold officials accountable' (2009: 225). Beyond these, the role of citizens does not give citizens good reasons to accord the justification for employing PPR great weight, and thus does not impose a strict requirement to use only public reasons.

Boettcher acknowledges that it is tempting to think that social roles could serve as an additional justification for employing PPR. That is, their roles (and how they are described, including what expectations attach to them) justify employing PPR. This appears to help us explain the differences between how citizens and government officials are demanded to employ PPR and use public reasons. Boettcher rejects this – comprising our third piece of evidence for his aspiration towards justificatory monism. He claims that the demand to employ PPR is not based on or justified by social roles, but merely *mediated* by them (2012: 166). The final normative grounding is still the consideration of respect (2012: 167). Social roles, then, are only intermediaries which make no independent justificatory contribution. Even if citizens face no strict requirement to always employ PPR and use public reasons, the requirement still applies to all, in virtue of the consideration of respect. Again, we return to justificatory monism.

Boettcher's position may be further clarified by examining his rejection of an account which accords social roles justificatory weight for employing PPR, independent of the consideration of respect. Boettcher's main complaint is that such an account cannot account for individuals who incompletely identify with their roles as citizens, or who reject the role (2012: 165). That is, in justifying the employment of PPR, and its demand to use public reason, in terms of social roles, we can neither insist nor assume that all citizens employ public reasons when some may incompletely identify with their roles. This is puzzling – for, again, why could there not be *other* justifications for citizens' employment of PPR beyond social roles? The fact that the role of citizens may be inadequate, on its own and in some cases, leaves room for other justifications to enter. Or perhaps only the roles of public officials can justify employing PPR and its demand on them to use public reasons. This would then be a restricted justification for employing PPR, which is not extended (or even extendable) to roles as citizens. Boettcher does not consider these possibilities. I suggest, again, that his complaint only makes sense given the search for justificatory monism. It is only by assuming that there can be only *one* justification for employing PPR in all contexts and cases, that an account's failure in *some* cases becomes a decisive objection against it. And only with that assumption can Boettcher reject different foundational justifications for employing PPR for citizens and public officials. The same justification has to apply to both.

1.3.3 Lessons: *Pro tanto* vs. *all-things-considered* justifications, and augmentation of weight

As with the previous section, examining the Lott-Boettcher dialogue reveals additional considerations relevant to the justification for employing PPR. I discuss only two additional considerations, beyond those already identified.

First, consider Boettcher's insistence that the respect justification for employing PPR applies in all cases, even if it may be outweighed in some cases by considerations stemming from citizens' doctrinal and doctrinally-influenced views. The distinction here is one between *pro tanto* and all-things-considered justification. This echoes one of Rawls' – between *pro tanto* and full justification. For Rawls, employing PPR is *pro tanto* justified for individuals in their capacities as citizens. Full justification for employing PPR, in contrast, is achieved upon accounting for the considerations present within citizens' doctrinal and doctrinally-influenced views (Rawls 2005: 386-7). This distinction turns on whether we take into account the full sets of each citizens' considerations, or merely a restricted set. This distinction leaves open a crucial possibility.

Consider a scenario in which Boettcher concedes that the respect justification for employing PPR is outweighed in the cases Lott mentions. The possibility is left open that there may nevertheless be *other* considerations justifying the employment of PPR, which outweigh the considerations that feature in their doctrinal and doctrinally-influenced views. If so, such considerations would justify the disputants' employment of PPR, and use of only public reason, to negotiate their disagreements. And Boettcher would still be able to insist that they employ only public reasons for political decisions, even though their non-public considerations outweigh the consideration of respect. Of course, Boettcher would then have to explain the relationship between respect and the other considerations justifying PPR, and why the latter considerations feature in cases where respect fails to be sufficiently weighty. These are neither obviously implausible nor, in principle, insurmountable tasks. Boettcher does not entertain them at all, likely because of his aim towards justificatory monism. Even so, the possibility of multiple *pro tanto* justifications for employing PPR is not ruled out.

Second, consider Boettcher's discussion of the roles of citizens. His claim is that while individuals qua their roles as citizens may tolerably fail to employ PPR, the same cannot be said for individuals occupying the roles of public officials. We may understand this as acknowledging that variable and contextually-dependent features may *augment the weight* of a particular consideration and its *pro tanto* justification for employing PPR. The fact of an individual's occupying the role of a public official may increase the weight of the consideration and its *pro tanto* justification for employing PPR – such that it outweighs considerations arising from his or her doctrinal and doctrinally-influenced views. That is to say, the weight of a consideration and justification varies depending on what individuals are doing (or what they understand themselves as doing). This observation helps us to clarify the discussion of context in the earlier section 1.2.3. By examining the Lott-Bottcher debate, we uncover one explanation for how the different contexts in which political decisions are situated, are relevant to the justification for employing PPR – via the *augmentative contributions of contextual features* pertaining to the kinds of actions which the individuals in each context are engaged in. Thus, it may turn out that a consideration justifying the employment of PPR may only have great weight in a particular context, which is not extendable to others (which may lack certain contextual features to augment its weight). Whether employing PPR is all-things-considered justified thus also has to account for the augmentative effects of these contextual features.

With these considerations at hand, our discussions of whether employing PPR is justified may become more fine-grained. We may move beyond simplistic acceptances or rejections of any particular proffered justification, based merely on the trade of (counter-) examples. New avenues of enquiry are opened up. We must now consider the presence (or absence) of contextually-dependent features relevant to any proffered *pro tanto* justification for employing PPR – such as the roles that individuals occupy, or the nature of their actions – and further, examine how they augment the weight of the relevant considerations. Through this, we may find that what seems to be a failed justification for employing PPR may be due to the presence of a weight-reducing contextual feature given the context, or the absence of a weight-increasing one. Moreover, we may become more cautious about (over-) extending the claims about any proffered *pro tanto* justification for employing PPR in one context to others – and much less to all contexts.

1.4 Three payoffs

One pay-off of this chapter consists in identifying a hitherto hidden goal towards justificatory monism, which is shared by some public reason philosophers. That this goal is shared, and moreover unchallenged, is puzzling given their extensive disagreements in other areas. Identifying this hidden goal clarifies the nature of their discussions.

Through examining the dialogues between public reason philosophers, a second pay-off emerges. Several additional considerations are revealed as relevant to the issue of whether employing PPR is justified. It turns out, surprisingly, that public reason philosophers have been employing these considerations in their discussions (usually in response to their opponents), without thoroughly considering their implications in relation to the justification for employing PPR. Proffered justifications for employing PPR are revealed to be *pro tanto* in nature. The issue is left open concerning their weight relative to citizens' full sets of considerations stemming from their plural views, and to other more general considerations pertaining to whether state action is justified in particular cases. The latter are those such as the existence of other political goods and values, the doctrinal justifiability of a political decision, the burdens that are imposed (and ameliorated) by it, and those pertaining to contexts – the different roles of the political actors making the decisions, and the domains in which the decisions are made. Discussions of the all-things-considered justification for employing PPR need to account for these considerations, if they are to provide any guidance for politics.

In the Introduction, I argued that a problem for justificatory monism is that it is implausible that any consideration purporting to justify the employment of PPR will be regarded by all individuals with plural views, as indeed justifying it. Here, we may add the following: even if these individuals do regard one consideration as indeed justifying employing PPR, the justification is only *pro tanto* in nature. They may still disagree about the weight of that consideration relative to the other considerations which they regard as relevant to the all-things-considered justification for employing PPR. The judgement about relative weight of considerations is an evaluative issue, and thus will

be shaped by individuals' doctrinal and doctrinally-influenced views. It would be puzzling if individuals with plural views nevertheless accord the same weight to one justification for employing PPR. The third payoff is thus that justificatory monism is rendered even less plausible.

I acknowledge that my discussions so far do not conclusively rule out the possibility that justificatory monism may be resuscitated in some form. But for now, I believe justificatory monism has been rendered sufficiently implausible for my discussions of justificatory pluralism to begin.

2 Justificatory Pluralism

2.1 Introduction

In Chapter 1, I identified six considerations relevant to the justification for employing the principle of public reason (PPR). I now organise and elaborate on them, showing how they motivate a case for justificatory pluralism for employing PPR. The main claim of this chapter is that if we are interested in getting individuals to employ PPR as the strategy to evaluate and guide political decisions in the face of disagreement, we must provide them with as many justifications for employing PPR as are available.

Recall the six considerations identified earlier.

Existence of multiple political goods and values. There exist other political goods and values, in addition to any proffered consideration which justifies employing PPR.

Relative weight. Where there are multiple considerations, the issue of their weight relative to each other has to be addressed.

Doctrinal acceptability. The acceptability of a consideration, solely from the perspective of an individual's doctrinal views. The consideration of doctrinal acceptability is just one amongst the other considerations within an individual's doctrinally-influenced view (the latter being broader).

Burdens. The impact of a decision on the lives of specific individuals.

Context. The context in which a decision is situated may augment the weight of the considerations relevant to it.

Pro tanto vs. all-things-considered justification. A consideration may *pro tanto* justify employing PPR, but fall short of all-things-considered justification.

These considerations may be organised in such a way as to set the stage for my discussion of justificatory pluralism.

As discussed earlier, it is important for us to acknowledge the existence of other political goods and values, which are considerations beyond those proffered as justifying the employment of PPR. Employing the distinction between *pro tanto* and all-things-considered justification, we may describe each of these considerations as only *pro tanto* justifying the employment of PPR, or *pro tanto* rejecting the employment of PPR. The claim about their *pro tanto* justifying or rejecting the employment of PPR is made by considering them on their own, independent of each other. These *pro tanto* justifications or rejections must be juxtaposed alongside each other, and organised, if we are to reach decisions about whether employing PPR is all-things-considered justified. We must, in effect, give an account of the weight of these considerations relative to each other, in relation to the issue of whether employing PPR is all-things-considered justified. Here, we may find that a consideration which *pro tanto* justifies employing PPR may outweigh other considerations for rejecting it – in which case employing PPR is all-things-considered justified – or we may discover otherwise.

We must also consider the potential benefits and burdens of a decision, to those who are (or would be) affected by it. From our discussions of Betty, Charlie, and Diana, we see that any decision imposes variable benefits and burdens to different (groups of) individuals. We may take these as providing us with *pro tanto* justifications or rejections for employing PPR. They must be weighed up against each other, to reach an answer to whether employing PPR is all-things-considered justified.⁴⁴ In thinking about benefits and burdens, we see that individuals may reach different evaluations of the same consideration. Suppose a decision benefits members of Group A at the expense of members of Group B, and further that members of Groups A and B hold

⁴⁴ My position – in requesting that we consider benefits and burdens – does not load the die in favour of consequentialism, or what has been derisively called “government-house utilitarianism”. The benefits and burdens listed may be of different natures or of “levels” of generality, and can be given deontological glosses. For instance, the violation of autonomy could be taken as a burden (which could on its own outweigh all other benefits), without reference to any further consequences. My claim is minimal – stating simply that benefits and burdens must be considered and accounted for, and not ignored.

opposing doctrinal views. In this case, the consideration that there will be benefits to members of Group A, will be regarded by members of Group A as *pro tanto* justifying the decision, but regarded by members of Group B as *pro tanto* rejecting the decision. This observation, when applied to our discussion, reveals that while some individuals may regard a particular consideration as *pro tanto* justifying employing PPR, others may not regard it as such.

Even if all disputants regard a consideration as *pro tanto* justifying employing PPR, its weight may vary, depending on the contexts in which it applies. As we have seen, these contexts may include the domain in which a particular decision is made. So, the consideration of respect may be given greater relative weight in justifying the employment of PPR, when the decision in question concerns fundamental political issues such as constitutional changes, or has severe impact such as military conscription. It may have less weight when it comes to less severe issues, such as whether (and how much) to increase taxes. The consideration of context may also be understood as concerning the roles that individuals occupy when they make those decisions. Here, we may add that individuals occupy multiple roles concurrently, and throughout their lifetimes. They are not simply either government officials or citizens; they are also parents, siblings, business-owners, adherents of particular faiths, activists, and the like. These roles also contribute to shaping the weight of the considerations relevant to a particular decision.

Finally, the judgements about the nature and relative weight of each of these considerations are made from the perspectives of individuals, given their doctrinal and doctrinally-influenced views. That is, individuals with plural views may reach different judgements about whether any particular consideration *pro tanto* justifies or rejects employing PPR, and reach different judgements about the relative weight of those considerations. This is because judgements of relative weight are evaluative, and depend on, or are influenced by, such views.⁴⁵ When thinking about whether

⁴⁵ Here, I do not take any position on how the outweighing relation is to be specified. That is, I leave open whether the judgement about whether employing PPR is all-things-considered justified is, for instance, arrived at via pairwise-comparisons of all the relevant considerations, or if there is some property of “weight” which accompanies each consideration and translates to the weight of the *pro tanto* relations, such the considerations may be ordered by their weight. See Scanlon (2014: 105-123) for a related discussion about the outweighing relation as applied

considerations *pro tanto* justify or reject employing PPR, we must ask *who* it is that makes the judgements that those relations exist, and about their relative weight. We cannot assume or stipulate how individuals with plural views make these judgements. Such a move would trivialise the extent of pluralism in citizens' view – which the invocation of PPR is supposed to resolve in the first place. This lesson applies even to individuals occupying political roles, such as government officials. This is because they may have different understandings of, and relationships to, those roles, depending on their doctrinal and doctrinally-influenced views. Individuals occupying the same role may adopt different attitudes towards it, and thus understand its augmentative contribution to the (relative) weight of their existing considerations differently.⁴⁶

Four clarifications are due. First, even if individuals arrive at a judgement about whether employing PPR is all-things-considered justified, the judgement is still, in practice, defeasible. This defeasibility arises from the fact that individuals make their all-things-considered judgement upon considering a limited number of *pro tanto* justifications. This may be due to one or more of the following: the complexity of any particular decision, the difficulty of discovering all the considerations relevant to a particular decision, cognitive limitations on the part of the agent, or time-related constraints on decision-making. This means that in practice, the all-things-considered

to reasons. For my current purposes, what matters more is that agents arrive at a conclusion about whether employing PPR is all-things-considered justified, and not how they do so.

⁴⁶ Coincidentally, this point about individual judgements, when generalised to political decisions in general (and not simply on whether employing PPR is justified) helps us to partially explain a recent case. Suppose that Britain's leaving the European Union would lead to an increase in economic burdens, but bring about some intangible benefit pertaining to individuals' conception of their nation as proud and independent. Some citizens may judge that the increase in economic burdens outweigh that of the benefit, whereas others may judge otherwise. Their disagreement is evaluative. The provision of factual clarifications about the economic burdens may be regarded by some citizens as missing the point. This recognition may help us partly understand some individuals' rejection of 'expert' evaluations about economic burdens. The former may be understood as according different relative weight to the same consideration in concern. However, this leaves open the issue of what is to be done politically – whether to proceed by taking the evaluations seriously, or to engage in education or refutation. As such, it neither (immediately) vindicates nor licences reckless statements about whether citizens have had enough of experts, and whatever conclusions are to be drawn from them.

Of course, this assumes that individuals were not misled by factual inaccuracies, in making their judgements and decisions. The reality is far from this. As such, the provision of factual clarifications is important – to address the issue of the false claims made by some parties about the economic benefits of leaving the E.U., which played a non-trivial role in amassing support for the decision. Here, my point is simply that *even if* there were no disagreements arising from misleading factual inaccuracies, there *would still be* disagreements arising from how considerations are evaluated from plural views.

judgement is reached upon a less than complete consideration of the various *pro tanto* relations. The possibility is thus left open that the introduction of new considerations (and thus new *pro tanto* justifications) may disrupt individuals' existing judgements about whether employing PPR is all-things-considered justified.⁴⁷

Second, there is the issue of how the distinction between *pro tanto* and all-things-considered justifications relates to the distinction between doctrinal and doctrinally-influenced views. Abstractly, we may say that both the doctrinal and doctrinally-influenced views of an individual are perspectives from which she evaluates whether considerations *pro tanto* justify employing PPR, and their weights, which she then organises when forming her judgement about whether employing PPR is all-things-considered justified. The distinctions do not map on directly.

Third, and relatedly, there is a question of how the two distinctions apply to the justification for employing PPR, and the justification for (actual) political decisions more generally. In the Introduction, I claimed that the former is a subset of the latter. Here we may elaborate on this, along with the earlier example of Betty the atheist (in section 1.2.3). Recall that the consideration that the political decision is supported by non-public consideration, is regarded by Betty as doctrinally unacceptable. However, she regards the protection of other political goods and values as more important, such that she thinks that the political decision is nevertheless all-things-considered justified. On our account, this means that she regards the *pro tanto* justifications provided by her doctrinally-influenced view (a broader perspective) as outweighing those provided by her doctrinal view (a narrower perspective).⁴⁸ What does this mean for her judgement about whether employing PPR is all-things-considered justified? If Betty judges that the political decision containing non-public considerations is nevertheless all-things-considered justified because it is more important to protect those other political goods and values, this means that she does not regard the employment of PPR as all-things-

⁴⁷ I do not take a position on whether the an idealised agent could in principle reach a *final* judgement about whether employing PPR is all-things-considered justified, in the sense of accounting for all possible considerations and *pro tanto* relations.

⁴⁸ Here, I am assuming that Betty's doctrinal view does not provide her with *other* considerations (which give *pro tanto* justifications) that may lend support to the political decision. This is a simplification. However, the claim I am making here remains the same – an individual's judgements about whether a political decision and whether employing PPR is all-things-considered justified are, while distinct, connected.

considered justified – because the employment of public reasons, in her circumstances, involves a corresponding loss of those goods and values, via the political decision losing support from the majority of the religious population. The two judgements are, while distinct, related.

Finally, the focus here is whether employing PPR is regarded as all-things-considered justified. Settling this does not resolve for us actual political disagreements, but only that PPR is to be employed for resolving such disagreements. This means that citizens may agree that employing PPR is all-things-considered justified, and go on to have further disagreements about whether the set of available public reasons support or reject a particular political decision, and about their weight relative to each other. That is, the lessons from our discussions of the disagreements about any proffered justification for employing PPR are extendable to the issue of how to resolve actual political disagreements via public reason.⁴⁹ However, their judgements that employing PPR is all-things-considered justified is not politically trivial. With that in hand, they may already go on to evaluate existing political decisions (and guide future ones) on the basis of whether they violate PPR – and to reject those that do.⁵⁰ They will not introduce non-public considerations into their deliberations about the political decisions.

Summing up, we see that an individual accounts for multiple considerations relevant to a whether employing PPR is justified, by making judgements about whether these considerations *pro tanto* justify or reject employing PPR. She then has to organise these *pro tanto* justifications by their weight, in order to reach a considered final decision

⁴⁹ It is a commonplace recognition that the weight of public reasons themselves can only be determined *ex post*, depending on the contingent circumstances that the reasons operate in. However, there appears to have been less explicit recognition that the disagreements can also concern whether any particular consideration counts as a public reason. Such disagreements, like those concerning doctrinal views, can also go “all the way down”. This recognition has implications for the distinction, commonly drawn, between foundational and justificatory disagreements (Quong 2011: 204-212). On Jonathan Quong’s construal, disagreements about non-public considerations are foundational, because the premises invoked are not shared and disagreement goes all the way down; disagreements about public considerations are merely justificatory, because the premises invoked are shared. The possibility of individuals disagreeing even about what counts as public reason, throws such a distinction into question. Unfortunately, I am unable to consider the full implications of this recognition here.

⁵⁰ In reality, it may be much less clear whether a decision violates PPR. This creates complications for how we may understand the evaluative and guiding function of PPR. I return to this in Section 3.5.

about whether employing PPR is all-things-considered justified. And we see that different individuals make different judgements at each point, and thus reach different judgements about whether employing PPR is all-things-considered justified. In this way, the focus is squarely on individuals.

2.1.1 *Unnecessary complication, or shifting the goal posts?*

That my discussions place the focus on whether individuals regard the employment of PPR as all-things-considered justified, requires some clarification. Many discussions about PPR focus on whether employing PPR is justified from what appears to be a general perspective, rather than how it is viewed by individuals with plural views. Thus, Cohen claims that employing PPR is justified by democratic inclusion, Boettcher, by respect, and so on, without any much examination of how that justification is viewed differently from the plural perspective of individuals. In contrast, I have thrown individuals' plural perspectives into the equation. Now the worries arise, that I have either complicated the discussion unnecessarily, or unfairly shifted the terms of the debate such that I end up criticising these public reason philosophers for faring poorly at a project that they are not engaged in.

We may respond to these worries together, by returning to consider the *function* of PPR – to provide evaluations of, and guidance for, political decisions (in order to resolve disagreements). When we employ PPR as a standard, we can assess if existing decisions are acceptable, or to be rejected. Yet whether any consideration *pro tanto* justifies employing or rejecting PPR, and whether it has a great weight relative to other considerations, depend crucially on individuals' plural views. PPR will only be employed when individuals regard the proffered consideration as actually *pro tanto* justifying it, and as having great weight relative to their other considerations, from the perspectives of their doctrinal and doctrinally-influenced views. Only then, would they think that employing PPR is the way to evaluate and guide decisions despite their disagreements. We may no longer simplistically assume that employing PPR to resolve disagreements is uncontroversial and does not require justification to these individuals.

PPR fulfils its function only when the justification for employing it is regarded in this manner. To see this, consider a situation in which a proffered justification for

employing PPR is not regarded by diverse individuals as actually *pro tanto* justifying employing PPR, or as being outweighed by their other considerations. In this case, the claim that these individuals have violated the demands of PPR will be regarded as trivial – the evaluative and guiding function of PPR is likewise trivial. To illustrate, suppose we judge that the consideration of ‘containing beautiful prose’ *pro tanto* justifies the acceptance of a decision. Unless we can show that such a justification “features dominantly” in individuals’ plural views – that is, it is accepted as a *pro tanto* justification, and as outweighing their other considerations – then the evaluation and guidance provided by it is likely to have no impact on their all-things-considered judgements of whether to accept the decision. Analogously, the same goes for the justification for employing PPR – it must be first be regarded as actually *pro tanto* justifying the employment of PPR, if PPR is to fulfil its evaluative and guiding function at all. And if PPR is to fulfil its function non-trivially, its justification must outweigh the other considerations that diverse individuals have.

As we have seen, public reason philosophers are committed to this description of PPR’s function. Their discussions reveal that they do not regard PPR as providing merely trivial evaluations of and guidance for political decisions. Thus, in order to honour this understanding of PPR, they have to move beyond thinking only about its justificatory structure, taken on its own – to how any proffered justification is regarded from individuals’ plural views, and relates to their other considerations. My shifting the focus to individuals’ plural perspectives, is therefore neither unnecessarily complicated nor unfair.

Now, consider the push-back from my opponents. Is there nevertheless some sense to be made of the claim that employing PPR is all-things-considered justified from a general perspective? Here, and again, my response is simply to ask how such a general perspective (and the conclusions which may be drawn from it) relates to individuals’ plural views. That is, what are we to make of a general perspective that is somehow unhinged from that of individuals? We cannot simply assume that there *exists* a general or impersonal perspective from which the evaluations of the various considerations supporting or rejecting the employment of PPR are undertaken. Even if there exists such a perspective, it is unclear that citizens can be given overriding considerations to *adopt* it, despite the differences in the views to which they are committed, the roles

which they occupy, and the projects in which they are engaged. And even if individuals were to adopt such a perspective, it is unclear that the conclusions of such a perspective can conclusively *outweigh* all the other considerations from their plural views. Repeatedly, we see that the focus is squarely on individuals.

It will certainly take much more to consider the full implications of this shift in the terms of the debate, especially the potential costs of doing so. However, it seems that we have addressed enough of the initial worries, to start on the project proper.

2.1.2 *Outline*

The subsequent discussions in the chapter not only articulate justificatory pluralism, but show that it better address two problems – of pluralism in individuals' views, and self-interest – compared to justificatory monism.

In section 2.2, I examine the role and deliberations of legislators. I argue that there are many considerations associated with the role and deliberations of legislators, beyond that pertaining to the employment of PPR. This complexity disrupts the simplistic claim that individuals' roles as legislators augments the weight of any proffered justification for employing PPR such that it always outweighs all other considerations that they have. I argue that we may not, in the face of such complexity, stipulate that legislators will regard one and the same consideration as justifying the employment of PPR, and the same justification for employing PPR as having great weight relative to their other considerations. This is a problem of pluralism.

In section 2.3, I argue for justificatory pluralism. If we want the employment of PPR to be warranted and all-things-considered justified from individuals' perspective – such that they use only public reasons in supporting political decisions – then we should provide as many justifications for doing so as are available. Adopting justificatory pluralism increases the likelihood that legislators will regard employing PPR as warranted, and, by raising the stakes of not employing PPR, increases the likelihood that legislators will regard employing PPR as all-things-considered justified. Adopting justificatory pluralism better addresses the problem of pluralism in legislators' views.

In section 2.4, I argue that examining the deliberations of citizens reveals there to be an additional problem of self-interest. Individual citizens are likely to accord considerations pertaining to their self-interest greater weight, relative to any justification for employing PPR. I argue that we should also adopt justificatory pluralism in response to this problem. If we want to increase citizens to regard employing PPR as all-things-considered justified – and employ only public reasons – despite their other weighty considerations, we should provide as many justifications for doing so as are available. Doing so increases the likelihood that they will in fact regard employing PPR in that way. Adopting justificatory pluralism better addresses the problem of self-interest.

2.2 The role and deliberations of legislators

Generally described, the role of legislators is to make political decisions which affect all citizens. However, it is only given this general description that the justification for employing PPR, and thus its demand to use only public reasons, looms large. Looking at the specifics reveals a different picture.

First, the political decisions that legislators have to make may, depending on the circumstance, aim at different goals, beyond that of meeting PPR's demand. They may also seek to promote the common good, or to further some *morally* desirable goal. Legislators may try to establish museums, or create national parks, even when citizens do not regard them as important, or when citizens judge that the available public reasons do not support them. These various goals associated with the role of a legislator provide individual legislators with multiple considerations to be weighed against the justification for employing PPR. And even on this brief account, we see that the requirement that political decisions satisfy PPR is but one of the goals of political decisions. We have a plurality of valuable political goals. And even if, in a particular case, legislators judge that a proffered justification for employing PPR outweighs all other considerations in a particular context – such that the decision is one which will meet the demands of PPR – there will still be political costs in terms of the other goals we would be giving up for the sake of meeting PPR's demands. These goals may not always be trivial relative to the ones protected by employing PPR. Given this, an

insistence that an *ideal* legislator deliberates and decides while always satisfying the demands of PPR, is thus either implausible or unreasonable. It is implausible if it involves the *ex ante* judgements that the justification provided for employing PPR always outweighs, or is compatible with, all other considerations supporting the pursuit of other politically valuable goals. And it is unreasonable if legislators are asked to regard the justification for employing PPR as always outweighing the other considerations, such that the requirement to meet PPR's demands always outweighs other politically valuable goals.

Second, the role of legislators is multi-faceted. Legislators do not make their decisions in a vacuum. In many societies, they are also elected representatives. They have to, in some manner, represent the views of their constituencies. This is so, even when the citizens they represent are adamant on employing non-public considerations in supporting decisions. Here, we might be tempted to think that the legislator may simply "translate" the non-public considerations of their constituencies into public reasons. However, and pursuant to our earlier discussions, it is unclear that such translation may always be completable without losing the support of the constituencies. Citizens may regard a political decision as supported by non-public considerations, but judge it all-things-considered unjustified when the explicit supporting considerations are in the form of public reasons. And here, it is unclear that the justification for employing PPR outweighs the requirement for legislators to represent their constituencies in making political decisions. The connection is to be explained, not asserted.

Third, thinking about representation reveals an additional perspective from which evaluations are made, beyond that of doctrinal views. In evaluating the different political goods and values gained or lost along with any decision, and the benefits and burdens imposed by it, legislators must adopt or acknowledge the perspectives of those whom they represent. These perspectives shape the evaluations of the considerations relevant to the decision. This observation is easily neglected, when we discuss the making of political decisions abstractly, divorced from the contexts in which those decisions are made. Consider a simplified example of two legislators deciding whether

to fund the creation of a park, or an opera house.⁵¹ Legislator E is elected by and represents Evan, and legislator F, Fiona. Evan thinks the funds should go towards establishing a park, whereas Fiona thinks they should go to an opera house. Legislator E, in being elected by and representing Evan, possess an additional consideration in favour of decisions which alleviates Evan's burdens and furthers his interests, and against those which increase his burdens and frustrates his interests. Evan's perspective on the issue is a consideration for legislator E, which has to be taken into account. Likewise for legislator F, concerning Fiona. In making political decisions, legislators have to adopt or acknowledge an additional perspective – of what their constituencies think – in evaluating the political goods and values gained or lost with any decision, and the benefits and burdens imposed by it.

While actual constituencies are not entirely homogenous in terms of the identities and interests of their members, legislators purportedly represent all of them. Each group that a particular legislator represents, gives her an additional perspective from which the evaluation of the impact of any particular political decision has to be made. And each of these perspectives offer a legislator considerations which either *pro tanto* justify or reject the political decision. And where the members have competing claims and interests, the legislators have to engage in weighing these considerations against each other, and *also* against the justification for employing PPR and other political goals, in order to reach a judgement about what is all-things-considered justified.⁵² The evaluation of the weight of these considerations is made by the legislator.⁵³

Fourth, it is here that we must also recognise that legislators do not simply occupy the role of legislators. Their own evaluations about whether the arts or nature is of greater

⁵¹ In the Introduction, I have explained why I do not focus simply on constitutional essentials, but extend the discussion of the justification for employing PPR to all political decisions. I return to this at the end of this chapter (in section 2.5).

⁵² The issue of representation is more complex than presented. Jane Mansbridge (2003) argues that there are different forms of the representation of citizens (and their claims and interests) in modern democracies – promissory, anticipatory, gyroscopic and surrogacy. These forms are constituted by different relationships between citizen's claims and interests, and those of legislators. I set these complications aside, noting only that they further complicate how legislators engage in their evaluations.

⁵³ Here, I have learnt from the analyses of Iris Marion Young (1997), who examines how representatives may suppress the views of minorities within their constituencies, in their effort to present one general position on a political issue.

value, would also shape their evaluations of the impact – the goods, values, benefits and burdens – of the decision. For instance, some legislators may be adherents of doctrinal views according to which the leisure afforded by opera houses are more valuable (and intrinsically so) than those by parks (here, we may think of a comprehensive but narrow-minded Millian). Some legislators may have the opposing view, and others may even have views that reject the value of leisure altogether. From the perspectives of their plural views, they evaluate the considerations provided by their representations of their constituencies differently. Suppose that legislator E believes that the more sophisticated pleasures offered by an opera house outweighs those of parks. She then has to evaluate the weight of her consideration about doctrinal acceptability, against that of nevertheless representing Evan (who supports parks).⁵⁴

Introducing these complexities disrupts the simplistic claim that individuals' roles as legislators augments the weight of any proffered justification for employing PPR such that it always outweighs all other considerations that they have. As we have seen, there are many considerations which are *also* associated with the role of legislators, beyond that of employing PPR. And some of them – especially those pertaining to representation – may be regarded as considerations against employing PPR. It becomes uncertain whether and when legislators with different views may regard employing PPR as all-things-considered justified. Further explanations of the relationships between these various considerations need to be provided.⁵⁵

⁵⁴ I set aside the further complication, that legislators may have plural doctrinally-influenced conceptions of the roles and expectations of legislators, and their relationship to it.

⁵⁵ The discussions here may be similarly applied to the deliberations of judges. According to Rawls, judges are the exemplars for deliberations on the basis of public reasons (Rawls 2005: 231), and that the Supreme Court is 'the only branch of government that is visibly on its face the creature of that [public] reason and of that reason alone.' (2005: 235). The thought here is that judges do not, and are not supposed to, bring in their doctrinal or political views directly when passing judgements (2005: 478). On our account, this would be to say that from the judges' perspectives, the justification for employing PPR *always* outweighs all other considerations that they have. However, this neglects the multi-faceted nature of the roles of judges, the pluralism in their doctrinal views, and obscures the fact that judges are also individuals who occupy different roles, each of which may provide them with considerations that ought to be weighed against the justification for employing PPR. Thus, the claim that judges are always to use only public reasons in making their judgements – that is, they judge employing PPR to be all-things-considered justified – cannot be safely asserted, and requires much more explanation.

As earlier mentioned, we may not resolve this question by stipulating that the justification for employing PPR outweighs all the other considerations that legislators have. Such a strategy fails to take pluralism seriously. Yet we want legislators to regard employing PPR as all-things-considered justified, and actually employ PPR. As we have seen, this is connected to PPR's function of providing evaluations of and guidance for our political decisions. Recall that PPR fulfils its function only when individuals regard its justification as having great and overriding weight relative to their other considerations, such that the judgement that there is a violation of PPR is regarded as non-trivial. The task is then to provide a justification for employing PPR that is regarded by legislators in such a manner. However, this is (doubly) unlikely if we adopt the aim towards justificatory monism. First, it is unlikely that legislators, with their plural views, will unanimously regard one and the same consideration purporting to justify employing PPR as actually justifying its employment. Second – even if they did – it is unlikely that they will unanimously accord that one justification the same overriding weight relative to their myriad other considerations. The problem for the monist arises from the interaction between her aim towards justificatory monism, and the fact of pluralism in individuals' views.

2.3 Justificatory pluralism for employing PPR

This motivates the following solution, which is the core thought of justificatory pluralism for employing PPR: if we want legislators to regard employing PPR as warranted and as all-things-considered justified, and thus employ PPR (and keep to the demands of PPR), we should try to provide as many considerations purportedly justifying the employment of PPR as possible (including pragmatic ones). We should neither attempt to find one which applies across all contexts and cases, nor restrict ourselves to doing so. That is, we drop the goal towards justificatory monism for employing PPR.

Justificatory pluralism responds to the problem above, by taking seriously the pluralism in individuals' views. It acknowledges that legislators with different views may regard different considerations as (*pro tanto*) justifying the employment of PPR, and accord these justifications different weight relative to their other considerations. A

consideration which is regarded by a legislator as justifying the employment of PPR, and as having great weight relative to her other considerations, may not even be regarded by another legislator as *pro tanto* justifying employing PPR. Providing multiple considerations purporting to justify the employment of PPR responds to this pluralism. It attempts to give each legislator some consideration which may be regarded, given her views, as justifying the employment of PPR. It neither insists that all legislators – disregarding their plural views – regard one particular consideration as justifying employing PPR, nor insists that they accord it the same overriding weight relative to their other considerations. The focus is, again, squarely on individuals' views.

There are two payoff of adopting justificatory pluralism, which provide further support for adopting it.

First, providing multiple considerations purporting to justify employing PPR, increases the likelihood that legislators with different views will regard there to be at least one justification for employing PPR, and thus increases the likelihood that these legislators will regard employing PPR as warranted. The increase in likelihood is relative to that provided by justificatory monism. This may be seen by considering the responses to a legislator who does not regard a proffered consideration as justifying employing PPR. For a justificatory monist, there is nothing more to be said – there is only one consideration which has been proffered as justifying the employment of PPR. When that is rejected, the justificatory monist has no easy response. She cannot appeal to other considerations to justify employing PPR – for that would be to give up on monism. Nor may she insist that the legislator actually accepts the consideration when the latter does not – that would fail to take pluralism seriously.

The justificatory pluralist, however, is free to appeal to other considerations. It is not a problem that a legislator rejects a proffered consideration – the pluralist simply provides more considerations, until the legislator accepts at least one of them. For example, if a legislator rejects the consideration of respect as not justifying the employment of PPR in a particular case, the pluralist may provide her with other considerations – democratic inclusion, civic friendship, anti-paternalism, or any of the various considerations that have been touted by monists as justifying the employment of PPR. The more considerations are available to any legislator, the higher the likelihood (again, relative

to monism) that she regards one of them as actually justifying employing PPR. Moreover, the pluralist does not need to insist that different legislators accept the same consideration as justifying the employment of PPR. This addresses the problem, arising from pluralism in legislators' views, that a particular consideration could be regarded by a legislator as justifying the employment of PPR, while being rejected by another legislator with a different view. All that is needed, is that each legislator regards at least one consideration as justifying employing PPR. Adopting justificatory pluralism makes it more likely that each legislators will regard employing PPR as warranted, compared to justificatory monism.

Of course, it is not enough that legislators regard employing PPR as warranted. They may actually accord minimal weight to the candidate justifications for employing PPR, relative to their other considerations. That they regard employing PPR as warranted, will be of little consolation if they judge that its employment is not all-things-considered justified. However – and this is the second payoff – adopting justificatory pluralism also increases the likelihood that legislators with different views will regard employing PPR as all-things-considered justified, relative to justificatory monism.

This is achieved through raising the stakes involved in employing PPR. The fact that there are multiple justifications for employing PPR – and thus that multiple justifications are available for rejecting decisions supported by non-public considerations – may aid in a legislator's recognition of the stakes involved in employing PPR. A decision which would only exclude citizens from the space of reasons, will reasonably be regarded as involving lower stakes than one which not only excludes citizens from the space of reasons, but *also* disrespects them, *and* expresses paternalistic attitudes, *and* erodes the covenants of civic friendship, and so on. There need not be anything mysterious about how the multiple justifications can come together in raising the stakes. We may see each of these justifications as tracking or responding to how some (different) aspect of individuals' lives are affected by the use of non-public considerations to support political decisions. Thus, the consideration of democratic inclusion may, along with that of civic friendship, respond to different aspects of individuals' relationships with each other as citizens. The consideration of respect may, along with that of anti-paternalism, respond to different aspects of individuals' capacities of autonomy. When these multiple justifications are put together,

the recognition thus surfaces that the use of non-public considerations has *multiple and pervasive implications on different aspects individuals' lives*. That this is so, raises the stakes of not employing PPR.

This solution address the problem, arising from the plurality of legislators' views, that legislators may accord different weight to any proffered justification for employing PPR relative to their own considerations. The justificatory pluralist does not stipulate that legislators with plural views unanimously accord great weight to any justification for employing PPR. Instead, she argues that where there are plural justifications for doing so, the stakes are relatively greater – the justifications are much weightier when combined. Individual legislators, if they wish to reject employing PPR, would have to provide very weighty considerations which can outweigh the plural justifications for employing it. Given that the plural justifications are, when taken together, very weighty, the likelihood is reduced (again, relative to monism) that legislators may find such overriding considerations. This means that the likelihood is increased, of them regarding employing PPR as all-things-considered justified.

The claim that stakes are raised when multiple considerations for employing PPR are provided, holds even in cases where legislators do not regard *all* the proffered considerations as actually justifying employing PPR. My claim here is simply that the stakes are *relatively* raised – even if slightly – as long as a legislator regards there to be *one additional* justification for employing PPR. So, the stakes are raised when the legislator regards there to be two justifications for employing PPR, compared to her regarding there to be only one.

Two clarifications are due. First, the increase in likelihood that legislators will regard employing PPR as warranted and justified, is relative to their regarding it thus when justificatory monism is adopted. Justificatory pluralism makes no commitment to the absolute likelihood of legislators regarding the employment of PPR as warranted and justified. Second, and relatedly, it is not possible to say much more than this claim about relative increase in likelihood. It may turn out that all the legislators may hold on to views from the perspective of which none of the plural considerations actually justify the employment of PPR, or they may be fundamentalist or very fervent about their views, and judge their doctrinal considerations to outweigh even the increased stakes

of not employing PPR. Whether this is so, will require examining the range of views which legislators hold. There should be no speculations or stipulations prior to the facts.

However, even though justificatory pluralism is unable to guarantee that each legislator regards employing PPR as warranted and all-things-considered justified, it still fares better at addressing the problem of pluralism than justificatory monism. The aim of finding one justification for all cases (through rejecting rival justifications) forecloses the possibility that legislators may decide that employing PPR is still all-things-considered justified (and that a political decision containing non-public considerations is unjustified) even if she regards one particular justification for it as not featuring dominantly. If justificatory monism were true – that is, only one consideration justifies employing PPR – then we must concede that it is much more unlikely for legislators (and individuals more generally) to regard the justification for employing PPR as featuring dominantly within their plural views, and thus that employing PPR is warranted and all-things-considered justified. In this case, the claim that a particular political decision violates PPR will be trivial. PPR’s function of providing non-trivial evaluations and guidance will, then, not be fulfilled. We see more clearly – the price that would be paid for unity is triviality.

2.4 The deliberations of citizens

Like legislators, citizens evaluate the effects and burdens of a decision from the perspectives of their doctrinal and doctrinally-influenced views. Some may judge a consideration as *pro tanto* justifying a decision and as having great weight, while others may disagree. Similarly, the justification for employing PPR features only as one consideration among the many that they grapple with in their deliberations about whether employing PPR is all-things-considered justified.⁵⁶ However, examining the

⁵⁶ In the Introduction, we saw that Rawls expects that citizens cast their votes on the basis of which they are prepared to explain using public reasons (Rawls 2005: 215). However, as with the description of legislators, this is also simplistic. In a representative democracy, citizens vote for specific representatives who then deliberate about political decisions as legislators. Citizens indirectly participate in the evaluation and judgement of political decisions – through voting at relatively regular intervals (except during referenda, where they vote directly on political decisions). Their votes may instead be better understood as affirming or rejecting, roughly, the decisions made by their representatives throughout their elected term in the legislature. If a citizen regards the employment of PPR as all-things-considered justified when making and

deliberations of individuals in their capacities as citizens reveals there to be an additional problem – of self-interest – which may not be immediately apparent when considering that of legislators. In reality, citizens are typically very concerned with the benefits and burdens of a decision as they are relevant to, and affect, themselves or the people they care about. They are more likely to accord greater weight to the considerations about how they and those they care about are affected. The problem of self-interest, then, pertains to individuals being more likely to accord considerations pertaining to their self-interest greater weight, relative to any justification for employing PPR.

A quick clarification is due. In making this claim, I am not committed to saying that individuals, when deliberating in their capacities as legislators, cannot also be self-interested. Nor do I claim that the problem of pluralism in views does not arise when we consider individuals' deliberations as citizens. Instead, my presentation of the deliberations of legislators and citizens should be taken as indicating two kinds or (arche)types of deliberations, each of which presents a different problem for the employment of PPR. We must ensure that the adoption of justificatory pluralism also addresses this problem of self-interest. Recalling our earlier discussions, we see that the justificatory monist cannot stipulate that citizens accord greater weight to the justification for employing PPR, relative to considerations pertaining to their self-interest.

Rawls notably argues that ideally citizens should think of themselves 'as if they were legislators' (Rawls 1997: 769; 2005: 444-445) when evaluating political decisions. We may see his attempt as responding to this problem of self-interest. If such a modelling exercise were successful, citizens would adopt a point-of-view from which the interests and claims of others are to be taken seriously alongside those of theirs, rather than focus narrowly on themselves. The underlying idea is that this helps to secure some kind of impartiality, or constitute a step away from having only self-interest guide decision-making. Here, I set aside the obvious worry that the request for citizens to undertake

explaining her vote, is she therefore committed to the position that the employment of PPR is all-things-considered justified for all the political decisions that would be made up till the next time she votes? Here and again, these simplification needs to be addressed if we are to get a sense of how the discussions of PPR are (or may be made) relevant to actual political decisions – an important requirement given the function of PPR.

the modelling exercise is itself subject to the same kind of disagreement (arising from pluralism in views) that the invocation of PPR was supposed to resolve. Instead, I argue that examining the modelling reveals it to be a poor response to the problem of self-interest, even on its own terms.

How should we understand the structure of this modelling exercise? Suppose we understand a successful modelling exercise as one in which a citizen in a particular constituency, George, reaches the same conclusion about whether employing PPR is all-things-considered justified, as the legislator who is his elected representative. And suppose further that the legislator judges that employing PPR is not all-things-considered justified. The justifications for employing PPR (which concern respect to all citizens, including George, democratic inclusion of George, etc) are regarded as outweighed by other considerations which speak in favour of introducing non-public considerations. A problem surfaces: what if George is a member of a minority group within the constituency, and the legislator's judgement is based on his evaluation that the George's burdens (including those imposed by a decision that employs non-public considerations) are outweighed by other considerations (including the benefits to the majority of the citizens in the constituency)? If George were to reach the same conclusion, he would have to weigh the various considerations *in the same way* as the legislator. This involves George judging his own interests and claims as having less weight relative to those of other citizens within his constituency, *simply because* the legislator has weighed it thus.⁵⁷ This is implausibly demanding of a modelling exercise. Moreover, were George to model legislators in this manner in his voting behaviour, there would be no unique input arising from his role as a voting citizen – his vote will, because of such modelling, simply be equivalent to that of the legislator.⁵⁸

The modelling is more plausibly understood as concerning the kinds of considerations featuring in citizens' deliberations. Like legislators, they must take into account the whole range of considerations, including the benefits and effects of a particular decision

⁵⁷ Further, and owing to the different set of considerations that citizens and legislators grapple with, George may judge that such a judgement, upon the modelling, would have been reached *for the wrong reasons*.

⁵⁸ Focusing on democratic input allows me to set aside the value of the modelling exercise in rendering legislators' deliberations understandable to citizens, even if the latter do not regard them as justifiable.

on all individuals affected by it, and not simply those concerning themselves and those they care about. However, this leaves open the issue of *how* they are to evaluate these considerations. As earlier discussed, depending on the views of a particular agent in a particular context, a particular consideration may be regarded as either supporting or rejecting the employment of PPR, and moreover as having different weight relative to other considerations. So, citizens may regard the considerations concerning other individuals as having much less weight than those of their own – such that including the former has little or negligible impact on their judgements about whether employing PPR is all-things-considered justified. The broadening of citizens’ set of deliberative considerations is not equivalent to – and does not entail – the broadening of their circle of concern. Citizens are unlikely to immediately accord great weight to the considerations of benefits and burdens on others, if they do not already care for them. Of course, the request that citizens account for the benefits and burdens to other citizens, opens up the *possibility* of the latter outweighing their own concerns. But even if such a scenario obtains, it would not be brought about simply by the mere request for citizens to take those considerations into account. Summing up, the modelling exercise is idle, and does not address the problem of self-interest – it simply leaves it unanswered.

We return again to the core thought of justificatory pluralism, but this time as a response to the problem of self-interest. If we are interested in getting citizens to regard employing PPR as all-things-considered justified, even in the face of their according greater weight to considerations about their own concerns than those of others, then we must provide them with as many justifications for employing PPR as are possible. Recall that when plural justifications are provided for employing PPR, the stakes of not doing so are increased (relative to there being only one justification). The combined weight of the plural justifications is greater than each justification taken on its own. Earlier, we saw how this allows legislators to set aside the other considerations pertaining to their role as legislators, and which pull against employing PPR. We now see that the higher stakes also make it more likely that the plural justifications for employing PPR, when taken together, will outweigh citizens’ self-interested considerations. Offering plural justifications for employing PPR thus increases the likelihood that citizens judge the employment of PPR as all-things-considered justified. That such a situation may occur, is not out of the question. Citizens’ self-interested concerns – including those arising from their considerations of doctrinal acceptability

– may not always outweigh the plural justifications for employing PPR. There is some room for them to judge that despite their concerns, employing PPR is still all-things-considered justified.⁵⁹ Justificatory pluralism address the problem of self-interest, whereas justificatory monism leaves it unanswered.

2.5 Conclusion

In this chapter, I argued that current discussions about which considerations justify employing PPR, should be shifted. We should also think about whether and how the employment of PPR is judged as warranted and as all-things-considered justified from individuals' plural views. When we think, however, of their plural views, we realise that individuals may disagree about whether any particular consideration actually justifies employing PPR – and thus whether employing PPR is warranted. Any particular justification for employing PPR will also be accorded different weight relative to their other considerations – individuals will disagree on whether employing PPR is all-things-considered justified. It is unlikely that individuals will unanimously regard one and the same consideration as actually justifying employing PPR, and as triumphantly outweighing all their other considerations – such that employing PPR is warranted and all-things-considered justified. I argued that herein lie two problems – of pluralism in individuals' views, and of self-interest – which I illustrated by examining the deliberations of legislators and citizens.

Justificatory pluralism address both problems. In response to the problem of pluralism, the provision of plural justifications makes it more likely that individuals with different views will regard at least one consideration as justifying the employment of PPR, and thus that it is warranted. That there are plural justifications also raises the stakes of not employing PPR. The plural justifications, when taken together, have great weight, and

⁵⁹ The discussions here may be similarly applied to citizens in their role as activists. Activists sometimes appeal to non-public considerations in resisting existing political decisions or institutions, which they regard as morally corrupt or dysfunctional. Jonathan Quong claims that when citizens do so, they 'do not address one another purely as citizens' (Quong 2011: 242). Again, we make it more likely that activists who are motivated by non-public considerations will nevertheless use public reasons in supporting decisions (and thus meet the demands of PPR), by appealing to all available justifications for employing PPR. I leave aside the question of whether the potential costs of restraining them thus, are those which public reason philosophers are prepared to bear.

thus have a greater likelihood of outweighing the other considerations which legislators have which pull against employing PPR. When considering the deliberations of citizens, we saw that this point about higher stakes also addresses the problem of self-interest. It makes it more likely that the plural justifications for employing PPR, when taken together, will outweigh citizens' self-interested considerations. In contrast, justificatory monism renders it unlikely that the problem of pluralism may be addressed, and leaves the problem of self-interest unanswered. Through this, justificatory pluralism becomes more appealing than justificatory monism.

Let us quickly revisit the case of Abe, discussed in Chapter 1. Consider the citizens in Abe's society, who want to use religious non-public considerations to support a decision to establish a generous welfare scheme. From their perspectives, public reasons are not sufficient, on their own, to support even the creation of a welfare scheme, and much less a generous one. Their wish to create the generous welfare scheme, which protects certain forms of civic inclusion, motivates their use of non-public considerations stemming from their doctrinal views. The citizens accord these considerations great weight, and as outweighing the justification for employing PPR. Adopting justificatory pluralism allows public reason philosophers to respond to this situation, by showing them that the stakes are increased of their not employing it. It is not enough that the considerations of doctrinal acceptability, and the possible political good of other forms of inclusion, outweigh any justification for employing PPR. They must *also* outweigh the plural justifications, *taken together*, for employing PPR. That is, they must recognise that in their case, the preservation of the doctrinal acceptability of the decision and of certain forms of civic inclusion is accompanied by the potential costs of democratic exclusion, disrespect, paternalism, and erosion of civic friendship, and the like – and thus reconsider their use of non-public considerations. Adopting justificatory pluralism makes it more likely that these citizens will indeed regard employing PPR as all-things-considered justified, and refrain from employing public reasons.⁶⁰ What they will eventually do, however, is an open question, and not something which we may know prior to the facts.

⁶⁰ I have left out a third option: that these citizens may employ only public reasons, yet support the decision to create the welfare scheme. However, this would still involve, from their perspectives, the loss of a great good – that of doctrinal acceptability. The same conclusion applies.

By way of concluding this chapter, I return to Rawls' suggestion that PPR is to be employed only to constitutional essentials and matters of basic justice (Rawls 2005: 214, 227-30). On our analyses, we may understand Rawls as claiming that in these cases, the justification for employing PPR always outweighs the other considerations that legislators and citizens of plural views have. However, this is implausible – surely there are at least some cases for which even the plural justifications for employing PPR are regarded as outweighed by some considerations from their plural views. We may instead understand Rawls as claiming that in these domains, the justifications for employing PPR generally outweighs all other considerations, such that employing PPR is generally taken as all-things-considered justified. This may be more plausible, if it could be shown that, perhaps, the benefits and burdens of decisions in these domains are generally so severe or pervasive such that the justifications for employing PPR generally outweigh citizens' plural considerations. Here, Rawls' comments on the impact of the basic structure on the lives of citizens may be extended, and fit into our analyses which focus on individual judgements about whether employing PPR is all-things-considered justified. But such an extension will require more work, and not assertion. We may see this recognition as constituting one of the payoffs of our discussions so far – it helps us to clarify and understand the deeper motivations for Rawls' claim that PPR is to be employed in a restricted set of cases, which paves the way for our development or rejection of it.

3 Defences

3.1 Introduction and recap

In this thesis, I have argued for two main claims. First, there is an under-examined and problematic goal towards justificatory monism for the principle of public reason (PPR) within public reason liberalism. Second, given the former, we should adopt justificatory pluralism if we want individuals to regard the employment of PPR as all-things-considered justified. Before defending my position, I re-trace the general trajectory that the thesis has taken.

In the Introduction, I observed that the employment of PPR is itself political, and needs to be justified to individuals with plural views. Public reason philosopher should not, and cannot, assume that the employment of PPR is uncontroversial from these individuals' plural views. Upon this recognition, the aim towards justificatory monism for the employment of PPR becomes *prima facie* puzzling. Extending the principle of charity to justificatory monists, I elaborated on three potential motivations for the aim, before rejecting them. First, the aim towards monism, while possibly appropriate in other domains of philosophical enquiry, is inappropriate in the context of the justification for employing PPR. Second, it is implausible that individuals with plural views will regard one and the same consideration as actually justifying the employment of PPR. Third, appealing to these plural individuals' equal fundamental interest qua citizens is unable to get the monist out of the bind – since the purportedly fundamental interest is likewise subject to evaluation from individuals' plural views. However, justificatory monism appears to have an edge over justificatory pluralism, in that it is able to give a clear account of when employing PPR is warranted and justified. This, I argued, may be taken as constituting a presumption against justificatory pluralism.

In Chapter 1, I considered how the aim towards justificatory monism – of finding one foundational justification for employing PPR in all contexts and cases – shapes the discussions of some public reason philosophers. The work in this chapter is not merely

and blandly exegetical – of showing that there is in fact this hitherto hidden aim towards justificatory monism. While examining these discussions, I also uncovered six considerations relevant to the justification for employing PPR. It turns out, surprisingly, that public reason philosophers have been employing these considerations in their discussions (usually in response to their opponents), without thoroughly considering the relevance or implications of those considerations for the justification for employing PPR. We must consider other political goods and values, beyond that which is protected by employing PPR. We must also consider the benefits and burdens of the political decision for which the employment of PPR is in question, along with the context in which it occurs. All of these considerations are regarded by individuals as either *pro tanto* justifying or rejecting the employment of PPR. Individuals then need to engage in evaluating the weight of these considerations relative to each other, in order to reach judgements about whether employing PPR is all-things-considered justified.

In Chapter 2, I argued that it would be puzzling if individuals with plural views nevertheless accord the same weight to one justification for employing PPR, relative to their other considerations. I then argued for justificatory pluralism for employing PPR. If we want individuals to regard the employment of PPR as all-things-considered justified, we must provide them with plural justifications for employing PPR (or, as many as are available). I draw support by considering the complex and varied considerations that legislators and citizens have to account for when deliberating about political decisions generally, and also whether employing PPR is all-things-considered justified. I observed that these considerations may, in some cases, pull against employing PPR. Providing plural justifications for employing PPR increases the likelihood that at least one consideration is regarded by individuals as actually justifying the employment of PPR. Adopting justificatory pluralism responds to the problems of pluralism and self-interest. When the plural justifications are taken together, they reveal the non-employment of PPR as having multiple and pervasive implications on different aspects individuals' lives, and thus raises the stakes of individuals' non-employment of PPR. Given that PPR only fulfils its function of providing non-trivial evaluations and guidance of political decisions only when individuals regard its employment as warranted and all-things-considered justified, public reason philosophers have incentive to opt for justificatory pluralism.

In this chapter, I defend my proposal for justificatory pluralism for employing PPR against several immediate worries. They are that it (i) neglects the *is/ought* distinction; (ii) commits a category mistake; (iii) runs into the same messiness and indeterminacy of guidance that was earlier taken as constituting a presumption against justificatory pluralism; and (iv) is unable to give us a response to when a political decision violates PPR. I argue that justificatory pluralism survives these objections.

3.2 Is/ought distinction

Does my project neglect the *is/ought* distinction? Much of it turns on the claim that any proffered justification for employing PPR is but one consideration among many, within the plural views of individuals. The worry is that these discussions about what *is* the case, leaves open what *ought to be* the case. Thus, it may be argued that individuals are mistaken in treating any justification for employing PPR as merely one consideration among the many that they hold. Instead, they ought to regard these justifications as being the relative weightiest. Not all considerations are equal in status. Specifically, given the project of justificatory monism, individuals ought to regard one particular justification for employing PPR as their weightiest consideration in all the contexts to which it applies.

I have responded to this worry at different points (especially in the Introduction and Chapter 2), but it is worth revisiting it briefly. The core response concerns the internal inconsistency of public reason liberalism in adopting this position. It is implausible, if we are to take pluralism seriously, that individuals with plural views will indeed regard the justification for employing PPR as relatively weightier than other considerations, or even as overriding in all circumstances. The claim that they nevertheless ought to do so, despite them thinking otherwise, conflicts with public reason philosophers' professed aim of taking pluralism seriously. It prescribes a solution purporting to take seriously, and to adjudicate, political disagreements arising from pluralism, *yet* ignores pluralism in views about whether the solution (of employing PPR) is *the* one to adopt. And once we recognise that what individuals think they ought to do, depends partly on their doctrinal and doctrinally-influenced views, the roles they occupy and the projects

in which they are engaged, then we see that what they ought to do depends on what is the case.

This difficulty may not be easily avoided by re-describing employing PPR as subject to a *pragmatic, higher-order unanimity* among individuals. As we have seen, various doctrinal views also make higher-order claims, and not simply “first-order” ones concerning actual cases. We should correspondingly expect there to be pluralism in views about the higher-order issue of whether employing PPR is justified. What of the unanimity being pragmatic in nature? The underlying idea may be that failing to agree on a conflict-resolution strategy (such as employing PPR) is so bad that individuals pragmatically agree to employ one. However, this again fails to take pluralism seriously – disagreements about which strategy to employ could persist, even if individuals agree on the badness of not having one. Of course, individuals could accept one strategy after a compromise at the higher-level – but such acceptance may not (always) sit well with the public reason philosopher’s construal of acceptance as being minimally consistent with individuals’ doctrinal and doctrinally-influenced views. The basic claim remains: we cannot get to what ought to be the case, without taking seriously what is the case (that individuals with plural views have different understandings of what ought to be so).⁶¹

One way to save the claim that citizens ought to regard the justifications for employing PPR as being the relative weightiest, is if employing PPR were an established social or political norm. That doing so is an established norm, would render the justifications relatively weightier from citizens’ perspective – in the sense that citizens generally need very weighty reasons to violate established norms. Suppose we set aside the fact that employing PPR is not actually an established norm and so cannot support such a claim. Even then, the problem remains of how to account for individuals who do not actually accord the justification great weight relative to their other considerations. Here, discussions of what they ought to do will depend on what considerations they regard themselves as having – on what is the case.

⁶¹ Moreover, it would also be puzzling if all the compromises individuals could make, were somehow consistent with the plurality of their views. See Gaus (2011a) and Lister (2013: 81-103) for discussions of higher-order unanimity, and Margalit (2010) for discussions of when compromises may not be consistent with some individuals’ doctrinal views.

3.3 Category mistake

The second worry is that the proposal of justificatory pluralism commits a category mistake. It makes a claim about what the correct answer to the justificatory structure of PPR is, by way of considering what would be a good answer for *employing* PPR given certain political aims. Recall that I take the main motivation for justificatory pluralism to be claim that it helps the public reason liberal's case – it makes employing PPR more likely to be all-things-considered justified from individuals' views.

In responding to this, we must again remember that PPR is itself already political to begin with. That is, it is invoked as a response to disagreements about political decisions. Its function is to provide evaluations of and guidance for our political decisions, while taking pluralism seriously. The discussion of PPR is not separate from its function. And PPR fulfils its function non-trivially only when individuals regard the justification for *employing* it as having great weight relative to their other considerations, such that the judgement that there is a violation of PPR is regarded as non-trivial. Given this, the appropriate focus should be whether individuals regard its employment as all-things-considered justified. It is in this way that considering what justifies the *employment* of PPR, rather than what justifies PPR is not misguided. PPR is not a purely theoretical concept such that the introduction of political considerations commits a category mistake.

Could a justificatory monist redirect her insistence, to the search for one correct answer to the justification for employing PPR? It could be that most of the proffered justifications for employing PPR are false, because they are, on conceptual analysis, not truly connected to the very idea of PPR. There may be just one correct justification for employing PPR. And the move towards justificatory pluralism involves forsaking the task to uncover the truth, in exchange for what is politically expedient. Here, as in the Introduction, we must recognise that even if the monist finds such an answer, there is still a separate question of what is to be done politically. Could this “correct” justification for employing PPR be regarded as indeed justifying it, from individuals' plural views? And once the latter are considered, the implausibility of a monistic

justification for employing PPR surfaces again. The monist could not bypass this difficulty, by discarding the requirement that political decisions be justified only when they are *justified to individuals*. This position would obviate the need for employing PPR in the first place.⁶²

However, a minor concession is due to the justificatory monist. The claim that we must avail ourselves of plural justifications for employing PPR, says nothing about which justifications for employing PPR are *available* in specific cases. This means that, in principle, the possibility is left open that for *any* political decision, there is only one available justification for employing PPR. If so, justificatory monism would survive – albeit in a different form. However, notice that even on this picture, the discussions of the justification for employing PPR would have shifted considerably from the justificatory monist’s initial account. The aim would no longer be to show that a particular justification for employing PPR applies to all contexts and cases. Instead, monists have to pay attention to the myriad considerations relevant to specific political decisions, in arguing for the claim that all other justifications for employing PPR simply do not apply – leaving only one. Additionally, the issue of whether a particular consideration justifying the employment of PPR applies to the case at hand, has to be made on the basis of showing that it is regarded by citizens with plural views as applying. That is, citizens of different stripes regard there to be only one justification for employing PPR for the decision being discussed, and as having great weight. Taking seriously the plurality of views, we see that the mere fact that this possibility is left open will be of little consolation for the justificatory monist – constrained justificatory monism is possible but implausible.

Of course, nothing which is said here can stop a persistent monist from his or her search for one global justification for employing PPR. But as we have seen, such an insistence is accompanied by costs (about the triviality of the resulting conclusions) that the monist may not want to incur.

⁶² There is also a further question of whether such an appeal to the “correct” justification runs afoul of political liberalism’s more general commitment to avoid issues of (moral) truth.

3.4 Messiness

In the Introduction, I considered how justificatory pluralism appears to be theoretically messy, and thus possibly impotent in guiding actual political practices. There are two related worries. The first is that the plural considerations justifying the employment of PPR may have different scopes – applying in different sets of cases. There is then a question of when the employment of PPR is *warranted*. We could adopt the minimal view (that employing PPR is warranted only when all considerations apply) or the maximal view (that employing PPR is warranted when any consideration applies). There appears to be no non-arbitrary way of choosing. The second worry is that in specific cases (or political decisions), only some but not all justifications for employing PPR may outweigh the considerations which count against employing PPR. There is, therefore, a corresponding question of when the employment of PPR is *justified* – whether we want all justifications to outweigh the other considerations, or if we only require one. The two worries centre on the idea that adopting justificatory pluralism for employing PPR creates a messiness, which justificatory monism does not have to grapple with. A failure to address this messiness means that a pluralistic account would be unable to inform us of when employing PPR is warranted and justified, and thus unable to provide evaluations of, and guidance for, political decisions.

Our discussions – especially those in defence of the focus on individuals’ judgements – allow us to respond to these worries. Recall that what is crucial about the judgements that employing PPR is all-things-considered justified, is that they are made from the perspectives of individuals with specific doctrinal and doctrinally-influenced views, who occupy different roles, and are engaged in different projects. The focus on individuals, as I have argued, is a response (and serves as a corrective) to the way that many discussions in public reason liberalism have been carried out. These discussions do not fully acknowledge the relevance and salience of individuals in relation to these judgements, and moreover they make it appear as though there is something to the idea that considerations, when taken on their own and in abstraction from specific views, may justify or reject employing PPR.

With the recognition of the centrality of individuals and their judgements, we can respond to the two worries above. Specifically, the recognition allows us to *reframe* the two worries. The first worry would be: when is employing PPR warranted, when some (but not all) considerations purportedly justifying the employment of PPR are regarded by individuals as applying to the case at hand? The second: when is employing PPR justified, when some (but not all) justifications are regarded by individuals as outweighing other considerations which count against applying PPR? When framed this way, we see that the worries about messiness is significantly ameliorated. We can simply adopt the *maximal view* in response to both worries.

First, employing PPR is warranted just in case *any* consideration purportedly justifying its employment is regarded by an individual as applying to the case at hand. Individuals with plural views evaluate the considerations purportedly justifying the employment of PPR differently – some may regard it as actually justifying employing PPR, whereas others may reject it. We do not need to insist that individuals with plural views agree to one and the same justification for employing PPR. What is important, according to justificatory pluralism, is simply that they each judge one (or some) consideration justifying the employment of PPR as indeed applying to the case at hand. When this judgement is made from their perspective, they recognise that the failure to employ PPR will be accompanied by some loss in the political goods or values that is protected or furthered by the justification for employing PPR – be it democratic inclusion, respect, civic friendship or anti-paternalism. In such a case, where such goods or values are at stake, these individuals will judge that employing PPR is warranted.

From this perspective, we may also provide a diagnosis of the initial formulation of the first worry. It does not account for the fact that the judgements about whether any consideration actually applies to a particular case, and thus whether employing PPR is warranted, have to be made from the perspectives of individuals. That is to say, the position from which the first worry is initially posed, is one which disregards the centrality of individuals' perspectives. And once we take individuals' perspectives seriously, we see that it does not matter to their judgement of whether employing PPR is warranted, that not all considerations which purportedly justify employing PPR are regarded as actually applying. All that matters for them to make their judgement that employing PPR is warranted, is their judgement that at least *one* such consideration

applies. Of course, this does not mean that their judgements that several considerations apply are of no consequence. Such judgements have the effect of making it clearer that the case at hand is one in which the employment of PPR is more warranted, compared to a case in which only one consideration applies.

Second, employing PPR is justified just in case *any* justification for employing it outweighs the other considerations counting against employing it. Here, our response again builds upon the recognition of the centrality of individuals. From individuals' plural perspectives, all that matters for their judgements of whether employing PPR is all-things-considered justified, is whether they judge that *any* justification for employing PPR outweighs the other considerations which they have. And where they do, it does not matter that there exist other justifications for employing PPR which they judge as being outweighed by their other considerations. For instance, once an individual judges that the consideration of democratic inclusion outweighs the other considerations which she has, she will judge that employing PPR is all-things-considered justified. This judgement is unaffected by her concurrent judgement that the considerations of respect, civic friendship, or the like, have been outweighed by her other considerations. The diagnosis of the initial formulation of the second worry is thus similar to that concerning the first – it ignores the centrality of individuals and their perspectives on the matter of when employing PPR is justified.

It appears that the two initial worries have been safely dissolved. According to justificatory pluralism, the initial formulations of the two worries are simply non-starters. And the revised formulations of the worries may be safely addressed, via focusing on the perspectives of individuals. We simply leave it to individuals to judge whether considerations in fact justify employing PPR, and how those justifications relate to the other considerations that they have. It is in this way, that justificatory pluralism still allows us to be clear about whether employing PPR is warranted and justified. The clarity has just been relocated to one concerning the perspectives of individuals. With this, individuals can judge if the claim that a particular political decision violates PPR, is non-trivial (that is, when they judge that employing PPR is all-things-considered justified) or trivial. And PPR fulfils its evaluative and guiding function in the former set of cases.

3.5 When do political decisions violate PPR?

Throughout the thesis, my focus has been centrally on individuals. Specifically, on how considerations are evaluated and whether employing PPR is warranted and all-things-considered justified, from their plural doctrinal and doctrinally-influenced perspectives. This may invite a further worry – that I have problematically left unanswered the issue of how to make sense of the claim that a political decision violates PPR. That is, we have yet to consider whether and how we may say of a particular decision that it may be evaluated on the basis of PPR, or was guided by it.

In section 2.1, I suggested that individuals' judgements that the employment of PPR is all-things-considered justified, is not politically trivial – they can check whether political decisions violate PPR, and reject those that do. Pursuant to our discussions about the roles and deliberations of legislators and citizens, we get a slightly more complicated picture. That is, we see that for any political decision, non-public considerations can actually enter at various points. Legislators may employ non-public considerations directly in supporting a political decision, or may employ them in evaluating the considerations relevant to it.⁶³ Citizens may also employ non-public considerations in supporting and explaining their votes in favour of a political decision. Recognising the complexity of the situation helps us to see an important lack of clarity – how do we tell when a political decision, *in general*, violates PPR? Is it when (i) non-public considerations are employed by legislators directly in supporting a political decision; or (ii) non-public considerations are employed by legislators to evaluate the

⁶³ Of course, actual legislative decisions are more complex than is obvious from our discussions. Simplifying the legislative process: there is at least a separation between a stage where a particular Bill for a legislative decision is presented for its underlying motivations and guiding principles to be debated, and another where each of its constituent provisions or clauses – and how they are precisely worded – are discussed and amended. The set of considerations that legislators have to account for will vary across the stages, and across different clauses. The considerations that are relevant to a debate about how a specific provision of the proposed decision is to be worded, may not be relevant in a debate about its underlying principles. And throughout, the necessity of making political compromises in order to reach joint decisions (or face decisional inaction) is a consideration that legislators grapple with along with their other considerations. This means that there are, in reality, even more points at which non-public considerations may enter – beyond those that we have discussed. For instance, a political decision may be motivated by non-public considerations, yet its wording does not contain references to non-public considerations. Or the motivation may not contain non-public considerations, but some clauses of the political decision may be supported by non-public considerations. The basic question remains: when do political decisions violate PPR?

weight of considerations relevant to a political decision; or (iii) non-public considerations are employed by citizens in supporting a political decision? This bears some resemblance to the problem of messiness, which we have just addressed. There are multiple points at which non-public considerations may enter, and we need a way of knowing whether “borderline” political decisions for which non-public considerations enter at some (but not all) points in fact violate PPR.

The cases are clearest when there is unanimity – a political decision violates PPR when legislators and citizens unanimously use non-public considerations in (i), (ii) and (iii), and when they unanimously do not use non-public considerations in any of those cases. But legislators and citizens are – because of their plural views – not unanimous in their judgements about whether employing PPR is all-things-considered justified, and thus not unanimous in their employment of non-public considerations. So, what do we say of a decision for which some legislators and citizens employ non-public considerations in (i), (ii), or (iii)? Note that the three cases are in principle distinct – (i) can occur without (ii) or (iii), and vice versa. Does the political decision violate PPR, once *one* legislator or citizen employs non-public considerations at *any* point? Such a position may not leave us with many (if any) political decisions which do not violate PPR. If not, how many of such individual violations of PPR may be tolerated in any particular case, before we judge that the political decision has violated PPR? We need an answer to this if we are to know when actual political decisions violate PPR, in order that we may reject them. If the answer is indeterminate, then PPR again cannot fulfil its evaluative and guiding function. So there is a pressing need to provide a response to the question of whether a particular political decision violates PPR.

This is a difficult objection, and I am unable to resolve it directly here. Instead, I attempt to show that this is not a problem unique to justificatory pluralism, but likewise affects justificatory monism.

According to justificatory pluralism, we may say clearly that a political decision violates PPR when *all* individuals regard it as violating PPR. This is a slightly different claim from the one above, in which the question of whether a political decision violates PPR is answered on the basis of the points at which non-public considerations enter. Here, an individual may make her judgement that a political decision violates PPR,

even though non-public considerations enter only at some (but not all) points. That is, she may judge that a political decision, in general, violates PPR when non-public considerations are employed by legislators directly in supporting a political decision. Conversely, she may judge that another political decision does not violate PPR, *even though* non-public considerations are employed by legislators to evaluate the considerations relevant to it, and even though citizens employ non-public considerations in supporting it. What is crucial for her is the presence or absence of non-public considerations as they are directly used by legislators. By now, it should be obvious that such a judgement would be made from the perspective of her doctrinal and doctrinally-influenced views. This means that individuals with plural views will reach their judgements about whether a political decision violates PPR, on the basis of their different judgements about when it is more (or less) important for non-public considerations to be absent. And when *all* individuals judge that a political decision violates PPR, then the decision violates PPR. When *all* individuals judge that a political decision does not violate PPR, then it does not.

What are we to say about whether a political decision violates PPR, beyond the cases involving unanimity? As we have seen, it is implausible to expect unanimity. But we still need answers. Here is a suggestion: we may say that a political decision violates PPR, when a *sufficient* number of individuals judge it to be so. This claim is slippery; but we may still get a hold on it via two considerations.⁶⁴ First, we need answers about the status of political decisions beyond those involving unanimity. Yet insisting on the view that a political decision violates PPR only when *all* individuals regard it to be the case, is in effect to refuse to give an answer for actual cases lacking unanimity. And lacking an answer, PPR cannot fulfil its evaluative and guiding function. The cost is, again, triviality of PPR. Second, adopting the view that a political decision violates PPR only in cases of unanimous judgement, grants too much power to dissenters – a *single*

⁶⁴ A complication arises: this claim itself appears to also require justification to individuals with plural views. And the justification for the claim will also require justification, and so on. When do we stop? If there is no solution to the question of when political decisions violate PPR, which individuals with plural views agree to, then it is difficult to see the point of the discussions and conclusions concerning PPR. Of course, there may be some way of eliminating the disagreements – perhaps through defining the constituency of justification narrowly, or engaging in some idealisation according to which all individuals agree. But as I have suggested in the Introduction, this is still to concede that there is not much to be said about actual political decisions. I hope to respond to this in future work.

dissenter can disrupt the general status of a political decision. And here, the thought is that surely the fact that all individuals, save one, have the same judgement concerning the status of a political decision, *must* count for something. The questions, however, of *what* such a fact counts for, and *how much* it counts for, are beyond the current project to answer. Common to both considerations, is the recognition that we have to give an account of how much dissent we may tolerate, in making the general claim that a political decision violates PPR (or that it does not). I suspect, though cannot currently defend, that the answer to this will vary depending on the context, and on what we intend to do with the general claim.

The point I wish to make is that this problem is not unique to justificatory pluralism. Justificatory monists likewise need to provide a response to the issue of when a political decision violates PPR. And in making their response, they likewise have to choose between insisting on requiring unanimity, or positing some threshold below which some dissent may be tolerated. To see why, consider the three (non-exhaustive) points at which non-public considerations may enter. Suppose the justificatory monist claims that a political decision violates PPR just in case non-public considerations feature in (i) and (ii), when legislators employ non-public considerations directly, and in their evaluations of the other considerations relevant to the political decision. However, such a claim will still need to be justified. And in justifying it, the justificatory monist does not escape the problem of pluralism – different individuals have different judgements about how to weigh up (i), (ii) and (iii) relative to each other, and thus have different judgements about whether a political decision for which non-public considerations enter at some (but not all) points violates PPR. And if they want to take such pluralism and disagreement seriously, consistent with their attitude towards it which initially motivates the invocation of PPR, then they are led down the same path as the justificatory pluralist.

Of course, the fact that justificatory monism faces the same problem, does not render it a lesser problem. That we still have no clear sense of when political decisions violate PPR, is a serious problem that needs to be resolved. However, it is nevertheless not a

problem that is unique to justificatory pluralism, and thus cannot be employed as an argument against adopting it.⁶⁵

3.5 Conclusion

In this chapter, I have defended my account of justificatory pluralism against several potential criticisms. The account (i) does not neglect the is/ought distinction, (ii) does not make a category mistake, (iii) is not problematically messy, and (iv) faces no special problem concerning giving us an account of when a political decision violates PPR.

In considering the second and fourth objections, however, I made two concessions. First, justificatory pluralism does not foreclose the possibility that for any political decision, there is only one available justification for employing PPR. In this way, it leaves room for a constrained justificatory monistic account to survive. This concession is minor, because the possibility is not great – especially when we take into account the complexities involved. Moreover, even if justificatory monism survives in this form, my account of justificatory pluralism will be able to accommodate it. Second, while justificatory pluralism allows us to be clear, in the case of individual judgements of whether employing PPR is all-things-considered justified, it currently leaves open what may be said at a general level. However, this concession is not lethal to justificatory pluralism – the problem is faced by justificatory monists too. Thus, it points to a fruitful direction for future work.

I would like to conclude the discussions so far by considering the implications of the discussions in this thesis, to the project of public reason philosophers more generally.

First, what is the role of public reason philosophers, who want to establish PPR as a non-trivial standard for evaluating and guiding political decisions? I suggest that they should embark on the task of arguing that the various justifications for employing PPR indeed outweigh the other considerations that individuals have, in specific political decisions. This means that for any political decision, they have to argue that the

⁶⁵ Does this difficulty push us away from the position that political decisions are justified only when they are *justified to individuals*? If so, we would give up on a core commitment of public reason liberalism. I take no stance on this issue now. See Enoch (2015) for a related discussion.

available justifications for employing PPR outweigh the various considerations of legislators and citizens with a plurality of views – including those concerning other valuable political goods and values. The task must be repeated for each different decision. The project of public reason liberalism, concerning the vindication of (the justifications for employing) PPR, is thus piecemeal in two important ways. The success of arguments showing that the justifications for employing PPR outweigh the considerations within a particular doctrinal or doctrinally-influenced view, neither immediately nor directly extends to considerations within other views. And the success concerning one particular political decision – of showing that the justifications for employing PPR outweigh all considerations as seen from plural views – likewise neither immediately nor directly extends to other decisions. Whether employing PPR is all-things-considered justified for any particular decision, will depend on who is involved and what the decision is.

Second, this means that public reason philosophers have to, in their arguments about the relative weight of justifications for employing PPR, take a stance in actual political disagreements. The justifications for employing PPR are considerations that they have to defend, *against* other considerations which permit the presence of non-public considerations in supporting political decisions. Correspondingly, the claim that PPR ought to be employed, all things considered, is one which has to be defended against detractors – not assumed. Do public reason philosophers believe that the use of public reasons can successfully adjudicate the abortion debate? Then they will have to argue, against members of both camps, that they have overriding reasons to employ and fulfil the demands of PPR despite their other convictions and commitments, such that they are left with only public reasons to work with. And so will be the case for all other political disagreements. There is no high ground upon which political philosophers stand, and from which they may adjudicate political disagreements without getting their hands dirty. As David Enoch observes, ‘there is no way out of the [political] arena, [and] that the political philosopher too is another player in that arena’ (Enoch 2013: 175).

Third, the discussions here do not force public reason philosophers into a united group, whose members can no longer disagree with each other, but who have to take a collective political stance against all those who seek to introduce non-public considerations. It would be unfortunate if our discussions had the effect of a party whip,

setting and enforcing expectations which these disparate philosophers have to fulfil despite their judgements to the contrary. However, disagreement among such philosophers is not diminished, but simply re-framed to concern whether a particular justification for employing PPR applies in a particular context concerning a particular decision, or whether the justifications for employing PPR outweighs the other considerations of all the relevant political actors, including legislators and citizens. Public reason philosophers can still reach different decisions about these different questions. Their commitments to PPR's function, and to showing that its justifications outweigh others, do not set a strong constraint on their judgements about various decisions – and certainly does not require them to take any position that they judge incorrect.

My hope is that these concluding thoughts show, again, that the venues for further exploration opened up by justificatory pluralism are *prima facie* no less fruitful than those of monism. Justificatory pluralism is not an immediately foregone position, and should be accorded more attention.

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