

Sincerity and Diversity

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A common concern among public reason liberals and deliberative democrats is that citizens' contributions to public life be *sincere*. Good citizens are those who offer good or sufficient reasons to others in good faith and out of respect for their naturally free and equal compatriots. Thus citizens are often said to have a duty to “cite public reasons” in their political actions, reasons that “are related to and in some way advance the common interests of citizens.”¹ John Rawls has argued that “a citizen engages in public reason when he or she deliberates within a framework of what he or she sincerely regards as the most reasonable political conception of justice.”² Similarly, Amy Gutmann and Dennis Thompson maintain that “When citizens make moral claims in a deliberative democracy, they appeal to reasons or principles that can be shared by fellow citizens who are similarly motivated.”³ Sincerity is thought to be vital for allaying mistrust among citizens and creating a healthy liberal democratic public culture.⁴

Notice above that citizens are sincere when they offer others reasons of a certain sort. Typically these reasons are called “public reasons” but what makes a reason “public” is often a muddle. In some cases a reason is “public” when it is related to citizens' common interests, or when it derives from a reasonable political conception or justice or when it is or can be shared. It is this unclarity that has led Micah Schwartzman to claim that “the stated sincerity requirements are ambiguous and open to different interpretations.”⁵ In a recent article, “The Sincerity of Public Reason” Schwartzman cuts through the confusion of sincerity principles and defends his own *Principle of Sincere Public Justification* that he believes can both maintain the benefits of sincerity and serve as a clarification of good citizenship in a publicly justified polity or deliberative democracy. I believe that Schwartzman has brought an attractive clarity to the sincerity debates. One nice consequence of doing so is that it becomes easy to provide an alternative principle, one distinguished by an alternative conception of the purpose of political institutions.

¹ Freeman 2000, p. 382.

² Rawls 2001, p. 581.

³ Gutmann and Thompson 1996, p. 55.

⁴ Schwartzman 2011b, p. 2.

⁵ Ibid.

This essay outlines a competitor sincerity principle, one based in an alternative conception of public reason that I find more attractive. In recent years, the public reason literature has started to focus on the contrast between *consensus* and *convergence* conceptions of public reasons. Consensus conceptions are more familiar, as they hold that reasons are public when there are “shareable” or “accessible” or somehow derive from shared values.⁶ Convergence views reject these restrictions and permit reasons to vary more broadly. As Thomas Nagel has put the distinction, justificatory reasons can be offered from “a common standpoint that everyone can occupy” or “from the separate motivational standpoints of distinct individuals.”⁷ The two conceptions of public reasons lead to importantly distinct conceptions of sincerity. A consensus-based conception of sincerity holds that good citizens are sincere when they offer shared or accessible reasons to one another, but a convergence-based conception of sincerity permits citizens to honestly offer reasons they know that others reject. Schwartzman develops a consensus-based conception of sincerity. While he is aware of the convergence view, he does not address it.⁸ Instead, he assumes “without argument, that a justification is *public* only if it is based on reasons drawn from a family of shared moral and political values.”⁹

I defend a convergence-based principle of sincerity and vindicate it against Schwartzman’s consensus-based view. I will focus, as Schwartzman does, on principles of sincere *deliberation* rather than, say, sincerity in voting. I intend to show that the proposed benefits of consensus-based sincerity are available to a convergence-based principle, while convergence-based sincerity has the added benefit of being less restrictive and burdensome to citizens. Following Schwartzman, I will develop a principle of sincerity for what Rawls has called the “wide view” of public reason.¹⁰ Thus, both Schwartzman and I agree that citizens are permitted to introduce unshared and inaccessible reasons into public dialogue, so long as they are prepared to offer reasons that support the relevant proposal under consideration by a society’s political institutions. Where we will differ is in the content of reasons that support the relevant proposal—Schwartzman will restrict these reasons to shared reasons; I will not.

My defense meets other goals. First, I specify contexts under which sincerity principles will operate, as even prominent public reason liberals and deliberative democrats wave their hands about

⁶ D’Agostino 1996, p. 30.

⁷ Nagel 1987, p. 218.

⁸ Schwartzman 2011b, p. 4, ft. 11.

⁹ Ibid.

¹⁰ Rawls 2001, p. 591.

the content “public sphere.” Robert Goodin’s recent work on “mini-publics” provides helpful focus. When we consider how sincerity will function in mini-publics like the British Columbia Citizens’ Assembly, we will see that it is unclear even whether Schwartzman’s principle of sincerity provides the benefits he cites.

Second, I argue that sincerity debates often falter because their argumentative strategy is unclear. Jonathan Quong, for instance, holds that an attractive principle of sincerity can be used to refute convergence. In other words, sincerity can be used to select among conceptions of public reasons. I argue that the determination goes the other way around: a conception of public reasons helps flesh out the content of sincerity principles.

Finally, I introduce two novel distinctions into debates over sincerity principles. First, I introduce a distinction between sincerity about *reasons* and sincerity about *proposals*. Sincerity about reasons requires that one offer reasons to other citizens that one thinks are good, whereas sincerity about proposals merely requires that citizens sincerely offer conclusions that they think are justified to all. Second, I introduce a distinction between sincerity about *proposals* and sincerity about *officials*. Sincerity about officials requires that citizens advance and publicly defend candidates that they believe will tend to contribute to publicly justified outcomes.

This paper proceeds in seven sections. In Section I, I outline the ideal of public reason on which principles of sincerity are based. In Section II, I explain what sincerity is and why it matters. I also specify the *site* where principles of sincerity apply. Section III removes some ambiguity among principles of sincerity by classifying them according to three conceptions of justificatory reasons. Section IV articulates the convergence-based principle of sincerity and proffers the grounds on which it is based. It does so by developing two such principles, one for proposals and the other for officials. Section V develops criticisms of Schwartzman’s views. In Section VI, I will address Quong’s sincerity-based argument against convergence. Section VII concludes with some reflections about how the convergence-based principle of sincerity alters public reason liberalism’s conception of civic life.

I: Public Reason

While the public reason and deliberative democrat movements in political theory are similar, they are not identical. One can be a public reason liberal and not emphasize deliberation and one can support deliberative democratic institutions and principles without believing in the ideal of public reason. Debates about sincerity cut across this literature, but I shall focus on its relevance to public reason

liberalism. Much of what deliberative democrats have written about sincerity will still be relevant, despite my differing emphasis.

Public reason liberalism has its precursors in the social contract tradition, particularly in the works of Thomas Hobbes, John Locke, Jean-Jacques Rousseau and Immanuel Kant. All of these figures believed that political power must be justified to many points of view in order to solve the challenges of the divergence of private judgments about what is good, right and true. Hobbes famously argued that all members of a polity have reason to submit to the Sovereign in order to create social peace.¹¹ While he believed that the problems of pluralism and disagreement were in many respects less severe, Locke also believed that most persons had reason to submit to a democratic government to generate public order and promote justice.¹² Rousseau and Kant both sought to transform private judgment into public judgment via their respective social contracts.¹³ But it was not until John Rawls's works, *A Theory of Justice* and *Political Liberalism* that the problems of private judgment and public order resurfaced in Anglo-American political philosophy. Rawls was particularly concerned about the divergence of private judgment in *Political Liberalism* and thus rooted his version of public reason liberalism in the idea of justifying a political conception of justice to all reasonable comprehensive doctrines. This divergence is inevitable due to the fact of reasonable pluralism, the notion that citizens will usually disagree about fundamental matters under free conditions.¹⁴ Rawls believed, along with many others, that treating others with respect as free and equal requires that the use of political power be justified to all in terms they could reasonably be expected to accept.¹⁵ Thus political power had to be justified in accord with the reasons of the public or *public reason*. The ideal of public reason, then, is that a fully legitimate social order is one whose basic structure, its general coercive apparatus, employs force against citizens only when they have some reason to endorse it by their own lights.

Modern-day public reason liberals, including Joshua Cohen, Gerald Gaus, Stephen Macedo, Thomas Nagel and many others, vary in how they understand public reason liberalism. Thus, the ideal describes a family of public reason liberalisms. For our purposes, we can set aside their differences. Instead, we need only attend to two general features of public reason that cut across its advocates. First, there are a great many views about what counts as a *public* reason. Many maintain

¹¹ Hobbes 1994, p. 90.

¹² Locke 2003, p. 245.

¹³ Rousseau 1997, p. 60; Kant [1797] 2009, pp. 24-26.

¹⁴ Rawls 2005, p. xvii.

¹⁵ *Ibid.*, p. 137.

that public reasons must be *shared* reasons, like Schwartzman.¹⁶ Others argue that reasons are public when they aim at the common good, when they are accessible or intelligible, and so on. For now, let us leave the matter of what counts as a public reason to Section III, where I will review these standards in detail. Second, the ideal of public reason specifies principles of political *justification* and political *deliberation*. The first maintains that respect for persons as free and equal requires that political power be justified to all in terms that citizens have reason to endorse. The second maintains that respect for persons as free and equal requires that citizens engage in the discursive practice of justifying coercive proposals to one another in public terms. Thus the ideal of public reason is frequently taken to contain a principle of justification and a principle of deliberation or civic duty.¹⁷ Sincerity principles exclusively concern the civic aspect of the ideal of public reason. We will see that a commitment to the justificatory aspect of public reason cannot specify the content of the civic aspect, which is why public reason liberals advance so many varied principles of sincerity. But for now, let us turn to examine the idea of sincerity itself.

II: Sincerity, Its Nature and Context

Defenders of sincerity principles hold that treating others as free and equal requires certain forms of civic behavior. This claim raises three questions: (i) *Why* are forms of civic behavior required to treat others as free and equal (ii) *Which* forms of civic behavior are required to treat others as free and equal and (iii) *Where and when* must these forms of civic behavior take place? Sincerity advocates offer many answers to the first two questions, and remain vague on the third, but let us briefly review what they claim. Starting with (i), good forms of civic behavior have a number of benefits. First, appropriately sincere behavior is said to promote “free discussion and open debate” which “allow relevant information to be distributed, mistaken reasoning to be exposed, and all the reasons for and against laws to be debated and considered.”¹⁸ Thus, good civic behavior helps distribute good information and arguments. Sometimes sincere civic engagement helps generate “trust-building” and “shared commitments.”¹⁹ Sincere public interactions help to “encourage public-spirited justifications and proposals, which might redound to the benefit of all.”²⁰ Second, good civic behavior helps to

¹⁶ Schwartzman 2011b, p. 3.

¹⁷ Rawls famously called his principle of deliberation “the duty of civility.” See Rawls 2005, p. 398.

¹⁸ Freeman 2000, p. 383.

¹⁹ Goodin 2008, p. 263.

²⁰ Fearon 1998, p. 55.

express respect for one another in the form of “equal membership of all in the sovereign political body.”²¹ Good civic behavior *constitutes* respectful treatment.

Now to (ii): *which* forms of civic behavior provide all of these various benefits? Sincerity theorists seem to answer with one voice: *sincere* civic engagement provides these benefits. But what is it to be sincere? Stuart Hampshire argues that “the ideal of sincerity ... amounts to the ideal of undividedness or singleness of mind.”²² Richard Buck thinks that sincerity consists in “support[ing] only those public policies that can be defended by appeal to liberal political values” and “sincerely affirm[ing] liberal political values as the ultimate justification of the use of state power to implement the public policies they support.”²³ We will see below that Jonathan Quong thinks sincerity requires that John only endorse X if he “reasonably believes he is justified in endorsing X” and “reasonably believes that [Reba] is justified in endorsing X” along with a further condition.²⁴ Schwartzman maintains that sincerity requires offering shared reasons in an *actually* public fashion.²⁵ Sincerity then seems to require offering reasons that one thinks have some good-making feature, be it that the reasons are justified, compelling, supportive of the common good, able to be endorse or shared by others, etc.

I distinguish sincere *deliberation* and sincere *participation*.²⁶ Deliberation concerns our discussions about politics, whereas participation includes political activities like voting, organizing protests, etc. I will focus on deliberation due to its centrality among public reason and deliberative democratic political theories. Many in both camps argue that deliberation is especially important for producing good and legitimate decisions. Gutmann and Thompson claim that deliberation contributes to legitimacy since citizens who lose “out in the resolution of competing claims are more likely to accept the decision when it is adopted after careful considerations of the relevant merits of competing moral claims for resources.”²⁷ Goodin argues that “having to deliberate with others and give reasons acceptable to them inclines citizens to take into account others’ points of view and thereby extends people’s imaginations and empathy.”²⁸ Thus deliberation provides benefits to the political process that should be distinguished from those provided by other forms of political participation.

²¹ Cohen 1997, p. 416.

²² Hampshire 1972, p. 245.

²³ Buck 2002, p. 23.

²⁴ Quong 2011, p. 266.

²⁵ Schwartzman 2011b, p. 5.

²⁶ For this distinction and some discussion, see Brennan 2011, p. 175.

²⁷ Gutmann and Thompson 1996, pp. 41-2.

²⁸ Freeman 2000, p. 383. For a discussion of how deliberation extends empathy, see Goodin 2000, p. 263.

Onto (iii): *Where* and *when* must a citizen be sincere? Most sincerity theorists say “in the public sphere.” But what does this mean? We know from the outset that deliberation necessarily occurs in small groups, so the site of sincerity must be local and the benefits of sincerity must accrue from the bottom-up. Goodin emphasizes the importance of “find[ing] ways of linking the virtues of small-scale deliberation with decision-making for larger-scale societies.”²⁹ Small-scale deliberation has several features of note. First, public deliberation is a “*serial* process” and includes “dynamic updating” as conversation proceeds.³⁰ Deliberation helps to promote the good of “network accountability” where local deliberative publics can hold officials for various sorts accountable for their behavior.³¹ Deliberation can often provide not merely reasons for political decisions but methods of holding officials to norms already accepted. This kind of accountability is the “paradigm sort ... that deliberative democrats should wish for.”³² It is network accountability that connects the deliberation of citizens to macro-level political outcomes. In these deliberative “mini-publics” sincerity helps to convert “an initially vague sense of shared concerns and interests” into increasingly refined “shared commitments.”³³

For the course of the article, I set aside deliberation amongst representatives. This article focuses on deliberation among mass publics. Goodin shows sincerity applies to mini-publics at events like town hall meetings where publics interact regularly, talk in a serial fashion, develop common concerns and hold officials accountable. Thus, the site of sincerity is discourse aimed at producing better civic institutions in a local setting where participants self-consciously recognize this aim. Further, deliberators not only discuss proposals but interact with officials and hold them accountable. Goodin emphasizes that deliberators are not merely discussing issues in the abstract but discuss concrete problems that frequently take the form of evaluating the behavior of persons.

I follow Goodin in appealing to the case of the British Columbia Citizens Assembly on Electoral Reform for illustration. The Assembly was created by the British Columbian government. According to their website, the Assembly was “an independent, non-partisan assembly of citizens who examined the province’s electoral system.”³⁴ The Assembly contained 160 randomly selected members. The Assembly was a unique event; the website beams that “nowhere else in the world had such power been handed to randomly selected citizens.” It operated for eleven months in 2004

²⁹ Goodin 2008, p. 3.

³⁰ Ibid., pp. 110-1.

³¹ Ibid., p. 185.

³² Ibid.

³³ Ibid., p. 263.

³⁴ Columbia 2005.

studying electoral systems and holding hearings. From January to August, the Assembly engaged in a “learning phase” where Assembly members learned about different electoral systems, and between September and October they deliberated. At the end of their term, they proposed replacing their “First Past the Post” system with a “Single Transferable Vote” system. B.C. voters evaluated it in a referendum on May 17th, 2005. While the referendum received 57.7% of the vote, a 60% vote was required. Nonetheless, the Assembly was a diverse mass public and that used deliberation to generate a popular proposal. The Assembly is a concrete site of sincerity. Arguably, whatever principle of sincerity a public reason liberal adopts, she will want it applied to Assembly members. Sincerity principles vary but they will require that Assembly members must be sincere in their deliberations.

III: Ambiguity among Principles of Sincerity

We have now clarified principles of sincerity. This section makes them *less* clear. Only when their unclarity is revealed can we see how to defend a clear alternative principle.

Sincerity principles within public reason require that citizens sincerely offer what they take to be *good reasons* for their positions, proposals, and the like. But what’s a “good” reason? Typically, a good reason is a *public* reason, one that others somehow share, can access, recognize, evaluate, etc. But the idea of a public reason is deeply ambiguous. In most cases, a public reason is taken to be a shared reason. Schwartzman assumes “without argument, that a justification is *public* only if it is based on reasons drawn from a family of shared moral and political values....”³⁵ Samuel Freeman largely agrees that public reasons are those that “rely upon principles, values and methods of reasoning and assessing evidence that are shared by the reasonable doctrines affirmed by reasonable citizens in a democratic society.”³⁶ However, sometimes public reasons are understood merely as those reasons amendable to external criticism. Thomas Nagel affirms this view when he claims that public reason requires a citizen be prepared “to submit one’s reasons to the criticisms of others, and to find that the exercise of a common critical rationality and consideration of evidence that can be shared will reveal that one is mistaken.”³⁷ Kent Greenawalt characterizes public reasons similarly, as those that a publicly accessible in principle.³⁸ On this view, the reasons need not be shared to be public but must be evaluable by shared criteria. Some endorse even weaker principles, such as that

³⁵ Schwartzman 2011b, p. 4.

³⁶ Freeman 2000, p. 402.

³⁷ Nagel 1987, p. 232.

³⁸ Greenawalt 1988, p. 12.

public reasons are those that are simply intelligible.³⁹ In other words, they are reasons that other citizens can see as reasons for them at the right level of idealization.

Public reasons can therefore be understood as (i) shareable, (ii) accessible or (iii) intelligible, which I define as follows:

Shareability: A's reason X is shared with the public if and only if X is recognized as a reason by each member of the public, including A.

Accessibility: A's reason X is accessible to the public if and only if members of the public regard X as justified to A according to common evaluative standards.

Intelligibility: A's reason X is intelligible to members of the public if and only if the public regard X as a reason for A according to A's evaluative standards.

Shareability is the most restrictive, since it holds that a reason is public only if all members of the public regard it as a reason *for them*. Accessibility requires merely that members of the public can see the reason as justified by common evaluative standards, such as those that required to render the reason amenable to external criticism. Intelligibility is the weakest of these standards, as it permits evaluative standards to vary among members of the public. We can illustrate the standards with a diagram:

³⁹ Gaus and Vallier 2009, p. 56-8.

| | | Evaluative Standards | |
|---------|----------|----------------------|---------------|
| | | Unshared | Shared |
| Reasons | Unshared | Intelligibility | Accessibility |
| | Shared | X | Shareability |

The diagram contains two axes, one covering reasons and the other evaluative standards. A standard can mandate that reasons be shared, as it can mandate that evaluative standards be shared.⁴⁰ Following the literature, I will call conceptions of public reasons with shareability or accessibility requirements *consensus* conceptions of reasons and conceptions of public reasons with intelligibility requirements *convergence* conceptions of reasons.⁴¹

Even if we confine principles of sincerity to deliberation among mini-publics, they remain ambiguous. This is not because advocates of sincerity do not select among these requirements. Again, Schwartzman thinks public reasons are shared reasons. The ambiguity lies in the fact that the *idea* of a public reason does not entail that public reasons be shared, accessible or intelligible. Instead, arguments for sincerity do not specify *why* public reasons must be understood in one of these ways for the relevant benefits to accrue. Being sincere in any of these three ways might help achieve the benefits of knowing whether arguments and proposals are supported by all. But Schwartzman's arguments, for instance, do not clearly show why benefits of sincere political deliberation can only be achieved via the use of public reasons understood as shared reasons. Perhaps the benefits of sincerity can still be had even with the presence of a vast array of unshared reasons.

Schwartzman does specify that justifications must be public in two ways, one in that reasons are shared, but also that reasons must be public in the sense that "they are actually made known to

⁴⁰ There is logical space for a requirement that does not require evaluative standards to be shared but requires reasons to be shared but I leave it unanalyzed.

⁴¹ Gaus and Vallier 2009, pp. 58-61.

citizens through open deliberation.”⁴² Thus reasons must meet some kind of publicity condition. To his credit, Schwartzman recognizes the ambiguity within the idea of publicity. He claims that publicity can be “actual, available or hypothetical” and defends one conception of publicity as the most plausible. Schwartzman has tried to resolve the problem as well.⁴³ We can see then that sincerity principles can therefore vary along two dimensions, (i) a dimension that specifies what it *means* for a reason to be public and (ii) a dimension that specifies the sense in which sincerely offered reasons must be available in public terms. Schwartzman is perhaps the first to identify the intricacies involved in sorting through dimension (ii) but in this paper I will develop an alternative view along dimension (i).

IV: Two Principles of Convergent Sincerity

In this section, I defend a *Principle of Convergent Sincerity* but I shall set out two specifications of the principle, one for proposals and the other for officials. I call these two principles the *Principle of Convergent Sincerity for Proposals* and the *Principle of Convergent Sincerity for Officials*. Let us begin with the first principle.

Principle of Convergent Sincerity for Proposals (PCSP): A should not publicly advocate proposal P in order to contribute to Q’s becoming/remaining coercive law (where P may be equivalent to Q) if A justifiably believes (i) that some (non-trivial number of) members of the public (including herself) have reason R_N to reject Q and (ii) that A’s advancement of P effectively contributes to Q’s becoming law.

(a) PCSP requires that A (let’s call her Alicia) not “publicly support” some proposal under certain conditions. This phrase alters the publicity condition that Schwartzman brought to our attention. PCSP bars public support of proposals, which means that citizens should not openly, that is *actually* advocate some proposal P at the relevant sites of sincerity. PCSP does not require that Alicia publicly offer her *reasons*; instead her public *advocacy* must be sincere. Alicia may have or offer private reasons to endorse or reject a proposal, but her public advocacy is constrained. Further, PCSP is convergence-based because it permits Alicia to advocate P for her own reasons, reasons that are neither shareable nor accessible. Instead, her advocacy needs only be intelligible. (b) The point of advocating a proposal in the public forum is to create, maintain or remove coercive laws.⁴⁴ Alicia

⁴² Schwartzman 2011b.

⁴³ Ibid., p. 24.

⁴⁴ I take PCSP to apply to coercive laws, so I leave open the possibility that there are non-coercive laws. I do not think sincerity need apply to such laws.

must therefore believe that her proposal will somehow affect what becomes, remains or will no longer be law. On this view, Alicia might engage in strategic advocacy, meaning that she advocates Q by means of advocating P. For instance, if Alicia wants Q to become law but she believes P is a step towards implementing Q, then she may advocate P; Alicia might think that the U.S. should have a single-payer healthcare system, but she votes for a public option safety net as a step in that direction. Such advocacy can apply to altering laws, protecting them from alteration or repeal or even repealing laws—Alicia’s advocacy can bear many relations to potential or present laws. (c) Alicia must also have several justified beliefs in the sense that she is entitled to hold these beliefs given her evidence. Sincerity must rest on good or justified beliefs, since without some epistemic credentials her advocacy seems deficient or irresponsible.

We may now turn to the two required beliefs. (d) The first belief Alicia must hold is that some members of the public have no significant reason of their own to reject Q, the proposal she seeks to implement by means of P. In so doing, Alicia recognizes that members of the public may have *many, diverse* reasons to reject Q. Another respect in which PCSP is convergence-based is that it permits unshared and inaccessible reasons to play the role of defeaters for proposal Q. Note further that Alicia may count herself among the members of the public who have reason R_N to reject the law, so sincerity can apply to her advocacy on behalf of herself or her group.

(e) The second belief holds that Alicia must regard her advocacy as *effective*, that is, her advocacy must make a non-trivial contribution to Q’s becoming law. This condition is important, since it implies that PCSP may not apply to the large majority of citizens of liberal democracies given that their advocacy rarely individually contributes to the implementation of laws. First, advocacy for laws usually occurs by means of officials and institutions, so citizen advocacy is indirect. Second, there are many members of the public and so individual votes do little to generate outcomes. The reason I take PCSP to apply only to advocacy justifiably believed to be effective is that it seems strange to restrict citizens’ advocacy when they don’t think that it matters. While citizens have independent moral reason not to advocate proposals they think are unjustified when deliberating with others, those moral reasons are not proscribed by *the ideal of public reason itself*. Not all moral reasons are subsumed under the ideal of public reason. The PCSP is an implication of the ideal of public reason and so governs the imposition of coercive laws. If advocacy has little or nothing to do with the imposition of coercive laws, the ideal of public reason has nothing to say about it. It is true that PCSP applies to citizens who falsely (but justifiably) believe their advocacy matters (like, say, Get Out the Vote workers). But PCSP is primarily meant to apply to deliberators that have a

disproportionate impact on political outcomes, such as pundits, politicians and general opinion-makers. These individuals rightly believe that their advocacy, while frequently small, is effective in generating laws. So PCSP applies to tens of thousands of citizens under their normal conditions of advocacy, even if it seldom applies to members of the public as a whole.

PCSP needs supplementing, however, for members of the public rarely decide whether laws are implemented. Instead, in representative democracies, representatives make the laws and citizens vote for representatives. And in fact, most political deliberation in public life is not about particular laws or policies but about which officials are best. Above we saw Goodin note that much political discourse is intended to produce accountability among individuals and officials. Citizens may argue about policy but I submit that they do so mostly in order to evaluate candidates for political office. For this reason, I want to apply the convergent sincerity to officials, an application largely new to the sincerity literature. I call this principle the *Principles of Convergent Sincerity for Officials*:

Principle of Convergent Sincerity for Officials (PCSO): A should not publicly support politician X to contribute to the election of politician Y (where X is potentially equivalent to Y) if she justifiably believes (i) that politician Y will contribute more than the alternatives or beyond some tolerable threshold to the imposition of proposals that some (non-trivial number of) members of the public have reason R_N to reject, (ii) that her advancement of politician X effectively contributes to politician Y's election.

PCSO's complexities mirror PCSP's. The condition of public support can be understood similarly. PCSO also permits Alicia to engage in strategic advocacy, though it permits advocating one politician to generate the election of another. For example, Alicia might vote for a third-party candidate in order to send a message to an incumbent. Alicia must also hold two justified beliefs, where the second belief is equivalent to the second belief in PCSP.

The distinctive condition is belief (i). The condition requires that Alicia justifiably believe that politician Y will contribute to publicly justified laws and block publicly unjustified laws. She must therefore evaluate Y based on whether he will *pursue* publicly justified policies and whether he will *succeed*. A politician may be well-intentioned, but if Alicia believes he will unintentionally contribute to more publicly unjustified coercion, she should not support him. Further, if Alicia thinks that Y will tend to generate publicly justified outcomes even if he does not pursue the ideal of public reason, she can still support him. After all, few politicians even implicitly recognize the ideal of public reason. Alicia may also endorse Y to produce a different make-up of the legislature that will as a whole move the country towards a more publicly justified set of coercive laws.

The second part of belief (i) holds that politician Y must be *either* better than the alternatives or *above some tolerable threshold*. I employ this binary condition in order to handle worries about supporting the “lesser of the two evils.” For the most part, citizens of liberal democratic societies do not think both candidates will significantly increase oppression vis-à-vis other candidates, regardless of heated rhetoric. For instance, in a contest between Barack Obama and John McCain, most citizens think that supporting either candidate in dialogue is permitted. But in some cases, citizens will think both candidates sufficiently bad that supporting either would promote injustice. In a contest between a fascist and a communist candidate, neither meets a tolerably liberal threshold of justice. In such cases, Alicia must abstain from supporting either candidate. The final part of belief (i) retains an element of convergence as it permits citizens to reject a politician because he will generate coercion they have diverse reasons to reject.⁴⁵

Before defending PCSP and PSCO, let’s consider how such a defense must proceed. The defense begins by affirming the ideal of public reason. Respect for persons as free and equal requires the public justification of coercion. However, the ideal of public reason does not entail a specific principle of sincerity—it is merely the first premise. The ideal of public reason is first and foremost a principle of *justification* not *deliberation*. It specifies how political coercion can be justified, not how people ought to talk to one another when advocating coercion. These two elements are as distinct as they can be. We therefore need to connect the principle of public justification to a principle of appropriate public deliberation.

Kevin Vallier has argued that an argument from the ideal of public reason to principles of restraint like sincerity requires not one but *three* steps (AJP PAPER!). First, the ideal of public reason must be shown to imply a particular conception of justificatory reasons, such as those discussed in Section III. Then one must make an argument that a particular conception of justificatory reasons implies a *principle of exclusion*. A principle of exclusion is a principle that specifies the appropriate bases of coercion in the law; an example of a principle of exclusion is the Establishment Clause in the U.S. Constitution that bars the public establishment of religion as a legitimate basis of law. Finally, one must make an argument from a principle of exclusion to a principle of restraint or civic conduct, such as a principle of sincerity.

For now, let us accept that the ideal of public reason is defensible and that convergence is the best conception of justificatory reasons. What sort of principle of exclusion follows from the

⁴⁵ PSCO applies to unelected officials as well. For instance, Alicia might support a politician on the grounds that he will appoint a certain cabinet official.

convergence view? I take it that an adequate principle of exclusion holds that a publicly justified polity's institutions should not be responsive to attempts to coerce citizens via proposals that they have some reason of their own to reject. Good institutions cannot bar these cases altogether, but they will reliably block coercion that citizens have diverse, even unshared and inaccessible, reasons to reject.⁴⁶ While it is possible to specify a more specific rule, we need not do so. We need merely ask whether *PCSP* and *PCSO* help contribute the principle of exclusion being satisfied. The principles of exclusion specify how institutions should respond to citizen input. The two principles of sincerity delimit the content of that input. Were citizens to internalize these principles of sincerity, then arguably the deliberative input into publicly justified institutions will be cleaner and clearer than otherwise. Publicly justified institutions can more effectively exclude unjustified coercion if citizens do not advance proposals that they take to be unjustified.

Two objections immediately suggest themselves. First, one might worry that the principles of sincerity I have developed are too complex to internalize. I grant that internalizing these rules will be rough and rife with error. But the general spirit of the rules is to stop citizens from trying to coerce one another unjustifiably. By arguing for publicly unjustified outcomes, citizens seem prepared to impose coercion on one another that they believe cannot be justified. Surely this preparedness violates the ideal of public reason; if citizens are to respect one another as free and equal, they cannot coerce one another in publicly unjustified ways. But if they aren't disposed to resist such advancement in discussion, then how can they live up to the ideal?

A critic might remind us that the ideal of public reason is merely a principle of justification rather than deliberation. Consequently, the ideal of public reason is *silent* on deliberative norms. For a time, this seemed to me right. But on reflection it seems difficult to maintain that the ideal of public reason is indeed an ideal if citizens' deliberative behavior need not be affected by the ideal *at all*. If citizens embody the ideal, their actions will be affected. These actions clearly include their behavior as officials and institutional designers. It is not a stretch to think that the ideal regulates their attempts to promote an appropriate public culture. Public reason liberals overstep by advocating onerous restrictions on citizens' conduct. But to say that the ideal of public reason has *no* deliberative implications seems too strong. *PCSP* and *PCSO* strike a balance between severing the ideal of justification and deliberation and melding them.⁴⁷

⁴⁶ It will also permit coercive proposals that citizens have diverse reasons to endorse.

⁴⁷ The latter is *by far* the greater sin, as public reason liberals frequently run justification and deliberation together. Gerald Gaus and Kevin Vallier have argued as much in Gaus and Vallier 2009, pp. 66-71.

A second worry about PCSP and PCSO is that citizens who internalize the rules will not improve the satisfaction of a plausible principle of exclusion than otherwise. It is certainly true that many citizens will justifiably but mistakenly believe that they are advocating only those proposals that do not impose unjustifiably on others. And I openly admit that citizens will not always have access to information about what is justified to others. Knowledge of citizens' reasons will inevitably be dispersed and decentralized, sharply limiting citizens' ability to tell whether other citizens have reason to reject particular proposals. The point of my two principles of sincerity, however, is not to require that citizens go out and gather such information but rather that they be disposed to be sensitive to such information as they run across it. When internalized, PCSP and PCSO will dispose citizens to care about whether their contributions to public deliberation are rooted in respecting others by following and implementing the ideal of public reason. Thus, if they become aware of defeaters for their preferred proposals, they will have a tendency to stop defending them. This sensitivity will augment the process of exclusion.

We can imagine cases where citizens' internalization of the rule makes them worse contributors to publicly justified laws. For instance, we might think that organizers, who represent, say, large minority populations, will do best if their public deliberation is in some sense unlimited. Their passion should be unrestrained since this will lead them to push the polity in directions that are fairer to their minority group. We might imagine that political deliberation should be left open for those whose deliberation will ultimately produce more publicly justified outcomes. Yet being sensitive to publicly justified outcomes need not mute political passion of this sort. We should want organizers to be somewhat tempered by the ideal of public reason.

V: Schwartzman's Consensus-Based Principle

We may now contrast PCSP and PCSO with Schwartzman's Principle of Sincere Public Justification (SPJ). Luckily, we can contrast them by contrasting their foundations. Schwartzman claims that his principle is defensible as an implication of the ideal of public reason and for the various benefits that it brings about. My criticism will therefore proceed in two steps. First, I will argue against consensus-based principles by rejecting consensus conceptions of reasons vis-à-vis convergence conceptions. Without consensus, consensus-based sincerity loses its foundation. The remaining case for the principle is that it provides various benefits. So I next argue that convergent principles can achieve the same benefits.

Let's recall Schwartzman's principle:

Principle of Sincere Public Justification (SPJ): A ought to advocate proposal p if, and only if, A (i) believes that $(R1 \rightarrow p)$, and (ii) publicly asserts R1 as sufficient to justify p.⁴⁸

It is important to emphasize that for Schwartzman, R1 must be a *shared* reason and it must be publicly asserted in order to make it *actually public*. Schwartzman's primary argument for the principle is that "When citizens present sound public justifications for their political claims, they manifest mutual respect for one another and thereby strengthen the political legitimacy of their society."⁴⁹

Schwartzman also argues as follows:

The basic argument presented here is that sincerity is an important condition of public deliberation, and that deliberation is necessary to evaluate, criticize and improve the quality of public justifications. Citizens and public officials cannot know whether their reasons are shared or otherwise sufficient to support their views unless they subject those reasons to public scrutiny. But if everyone expects others to act strategically by offering insincere reasons, then the epistemic value of deliberation is diminished if not altogether extinguished. To preserve the significance of deliberation, then, citizens ought to conform with a principle of public sincerity.⁵⁰

Schwartzman therefore defends *SPJ* on three different grounds: (i) that sincerity is required by mutual respect for one's fellow citizens; (ii) that sincerity contributes to political legitimacy; and (iii) that sincerity is important for increasing the quality of public justification. *SPJ* manifests the values of respect, legitimacy and deliberative quality.

I take Schwartzman's argument that *SPJ* is required by respect for one's fellow citizens to be a conceptual point, not an empirical one. The argument for *SPJ* is not that following *SPJ* will, as a matter of fact, make other citizens feel respected. Rather, it is an argument that *what it means* to respect others is in part to be sincere with them. This means that Schwartzman's claim can be evaluated as I suggested in Section IV; we can examine whether there is a conceptual implication from the ideal of public reason to *SPJ*. I argue that without consensus, *SPJ* cannot be vindicated. I grant that Schwartzman has a case for *SPJ* if consensus can be vindicated over convergence, but I do not think it has been. There are a number of reasons to defend a convergence conception of reasons. For one, convergence seems to fit best with the public reason liberal's commitment to the recognition of reasonable pluralism. If citizens will inevitably disagree about life's most fundamental matters many of their most forceful reasons will differ. Convergence permits those reasons to make

⁴⁸ Schwartzman 2011b, p. 11.

⁴⁹ Ibid., p. 12.

⁵⁰ Ibid., pp. 3-4.

a real difference in public justification in ways that consensus views do not.⁵¹ Further, since public reason liberalism is a *liberalism* it is committed to assigning individual citizens the social space to freely exercise their conceptions of the good, including politics. Convergence is *prima facie* superior to consensus because it does not restrict political advocacy to shared or accessible reasons, thereby giving citizens wider latitude for free expression. Further, convergence is closer to the Rousseau and Kantian ideals at the heart of public reason because it requires that public justification be addressed to each citizens' entire rational will, that is, the whole set of their reasons. It does not restrict justification to a subset of citizens' reasons.

It must be said that Schwartzman is not a mere consensus theorist. Instead, he clearly recognizes that the while justification *within* a political conception of justice must be offered in terms of public reasons, the political conception must be integrated into each person's reasonable comprehensive doctrine. In this he follows Rawls. In fact, in another paper Schwartzman acknowledges that nonpublic reasons have an important political role. Like Rawls, Schwartzman thinks we can reason by "conjecture" in terms of the unshared reasons acknowledged by comprehensive doctrines that differ from our own. Rawls thinks that we must be cautious about doing so since conjecture must be sincere. To be sincere, "We must openly explain our intentions and state that we do not assert the premises from which we argue."⁵² Schwartzman defends Rawls by appealing to reasonable pluralism, for other "... people will often have different reasons for coming to moral and political conclusions. Thus, it is appropriate in nonpublic reasoning to assume that others may be motivated by reasons that are different from our own."⁵³ Schwartzman, then, feels the tug of the convergence view, but he insists that convergent reasoning is "second-best" and should be "adopted only under special circumstances."⁵⁴

Remember that part of Schwartzman's case for *SPJ* is conceptual. But the fact of reasonable pluralism implies that citizens can engage in conjectural reasoning, which appears to *violate SPJ*. Schwartzman counters by claiming that *SPJ* applies to "first-best" circumstances in politics and that conjectural reasoning should be subordinated to it. He argues that "When nonpublic and public values conflict, the idea of public reason requires that citizens give priority to the latter...."⁵⁵ But now we no longer have an argument that *SPJ* is implied by the ideal of public reason. Instead, *SPJ*

⁵¹ See Gaus and Vallier 2009, pp. 56-62 for one defense of convergence over consensus based on an appeal to reasonable pluralism.

⁵² Rawls 1999, p. 787.

⁵³ Schwartzman 2011a, p. 10.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*, p. 19.

regulates a form of reasoning preferred by the ideal of public reason but that is not a requirement of public conduct *per se*. Thus, if *SPJ* is defensible on conceptual grounds, it looks as if the priority of public reasons must also be grounded in a conceptual claim. However, Schwartzman does not defend the priority of *SPJ* on conceptual grounds. Instead, he claims that “for reasons of feasibility, social unity, completeness and transparency, we ought to justify our collective decisions by appealing to public values that we share with others in virtue of our common citizenship.”⁵⁶ Thus, the conceptual argument for *SPJ* contains an empirical premise, rendering it subject as a conceptual claim.

It is fair to conclude, then, that the conceptual argument for *SPJ* fails. It fails for two reasons: (i) convergence seems to be at least as good a conception of justificatory reasons as the consensus conception on which *SPJ* is based and (ii) the conceptual case for *SPJ* is tarnished by empirical considerations. In light of this, let us turn to the empirical arguments for *SPJ*.

Schwartzman also argues that *SPJ* will help to produce political legitimacy and increase the quality of deliberations. If *SPJ* is to be vindicated over *PCSP* and *PCSO*, we need reason to think that *SPJ* will promote these goods more effectively than *PCSP* or *PCSO*.⁵⁷ I think it will be hard for Schwartzman to make such a case. *PCSP* and *PCSO* permit a wide range of advocacy of proposals (and officials) while rendering citizens sensitive to whether others have defeaters for the proposals (or officials) they advance. The conception of public deliberation delineated by *SPJ* is much more restrictive. We need specific reason to think that a less restrictive discourse will undermine political legitimacy and reduce the quality of public justifications vis-à-vis *SPJ*.

In one sense, in comparing *SPJ* to *PCS* we are comparing apples to oranges. The two principles rest on different conceptions of political legitimacy and public justification, so it is impossible to compare the two principles along a single dimension of either political legitimacy or the quality of public justifications. Convergence permits coercion when all citizens have some reason of their own to endorse a proposal. On this view *PCS* permits more convergent reasoning and so will help to contribute to the quality of public justifications *as understood by* convergence theorists. The converse holds for defenders of *SPJ*, since *SPJ* promotes consensus reasoning and so produces outcomes amenable to consensus theorists. Therefore, we cannot compare *PCS* to *SPJ* until we settle on a dimension of evaluation.

⁵⁶ Ibid., p. 10.

⁵⁷ Of course, we might combine *PCS* and *SPJ*, but since their rationales rest on distinct conceptions of justificatory reasons, I will ignore this option.

Yet, something may still be said. *PCS* permits a wider range of reasons into the process of public justification. It seems then that the main argument against *PCS* vis-à-vis *SPJ* is that public justification and political legitimacy will be subjected to more *noise* in that institutions and officials will have to sift through a larger set of reasons when trying to appropriately respond to deliberative inputs. I cannot see a reason to think that this increase should decrease the quality of political legitimacy even on the consensus view, since all the consensus-based reasons will still be publicly available. Schwartzman can argue that *PCS* will make it harder for members of the public to discover shared reasons, but the sifting process is not equivalent to finding a needle of public reasons in a private-reason haystack. Instead, private reasons can help to support and locate public reasons. For all we know, permitting a less restrictive discourse could help promote the formation of shared values, as citizens could trace more lines from their particular points of view to the political conception. Thus *SPJ* seems to have no obvious empirical benefits over *PCS*. We can conclude that *SPJ* cannot be vindicated over *PCS* on these grounds, and that therefore, given the *prima facie* superiority of convergence, *PCS* is superior to *SPJ*.

VI: Quong's Sincerity Principle

Before I conclude, I should review Jonathan Quong's challenge to the convergence conception of reasons. While this is not the place to defend convergence, Quong's argument depends on an interesting reversal of the direction of argument for sincerity defended here. Quong first sets out a principle of sincerity and then tries to show that it vindicates consensus. Quong believes he can identify a principle of sincerity attractive and clear enough that it can be used to *adjudicate* between consensus and convergence. I have argued above that the direction of determination must be from conceptions of justificatory reasons to principles of sincerity. Answering Quong will buttress the case for *PCS* by defending the argumentative strategy that vindicates it.

Quong argues for sincerity on the grounds that when we are sincere, "... we acknowledge that every citizen is to be treated as someone ... who is the source of moral claims ... someone over whom power cannot be exercised without appropriate justification."⁵⁸ Quong defines his own *Principle of Justificatory Sincerity (PJS)* as follows:

A may only endorse X if the following are true (and vice versa for B):

- (i) A reasonably believes he is justified in endorsing X,

⁵⁸ Quong 2011, pp. 265.

- (ii) A reasonably believes that B is justified in endorsing X.

Quong takes (iii) to follow from (i) and (ii):

- (iii) A may only (in the political domain) offer arguments in favor of X to B that he reasonably believes B would be justified in accepting.⁵⁹

Convergence permits the violation of PJS because it permits cases like the following. Suppose we have two individuals, A and B, who believe the following with respect to their individual reasons, R_A and R_B concerning policy X:

- A believes $R_A \rightarrow X$.⁶⁰
 B believes $R_B \rightarrow X$.
 A does not believe $R_B \rightarrow X$.
 B does not believe $R_A \rightarrow X$.

In this case, suppose that Art wants to convince Ben to endorse X. Art knows that he endorses X for his reason R_A and that Ben thinks R_A does not justify X. However, Art can persuade Ben with reason R_B as Ben believes it justifies X. The problem is that Art must offer R_B to Ben *insincerely* because Art does not think that R_B justifies X. Quong argues that by permitting this case, convergence permits insincerity. By defending X, Art attempts to impose a law on Ben that Ben regards as unjustified.

Quong addresses several potential replies by convergence theorists, but I shall focus on one. Quong suggests that the convergence theorists can maintain that “A can sincerely believe B is justified in endorsing X even though A does not believe $R_B \rightarrow X$,” as X could be justified, “from B’s point of view” since B accepts views that A does not.⁶¹ In short, Art can say, “I don’t think R_B is a good reason, but *you* do, Ben, so endorse X.”

Quong recognizes that this response is only successful if he can refute the possibility that, following Gaus, a moderate form of relativism about rational justification is true. In his *Justificatory Liberalism*, Gaus embraces a standard of *open justification* for reasons and beliefs.⁶² On open justification “we treat [one’s system of beliefs and reasons] as open to new information and arguments and, from this external perspective, mak[e] judgments about what would then be justified

⁵⁹ Ibid., p. 266.

⁶⁰ Quong uses “ \rightarrow ” to denote whatever justificatory relationship one prefers.

⁶¹ Quong 2011, p. 267.

⁶² Gaus no longer affirms this view, see Gaus 2011, pp. 232-257 for his “Reasons One Has” standard.

in [one's system of beliefs and reasons]."⁶³ This is to say that what counts as a reason or justified belief for a person will be relative to his cognitive system, inferential norms, beliefs and values. Thus, Gaus can reply to Quong's objection by arguing that Art can recognize Ben as having reasons that he lacks since Art understands that the set of beliefs and values justified to Ben are different than his own. Quong objects to Gaus's standard because he thinks that "Gaus's wider theory of epistemology ... is thus necessary in order for the convergence view to be consistent with PJS."⁶⁴ But Quong thinks that Gaus requires that reasonable people think that other reasonable people can be justified in holding the comprehensive doctrines they do: "reasonable citizens ... do not think that doctrines that conflict with their own are justifiable. They view those other doctrines as both false and unjustifiable."⁶⁵

We need not go further, for the flaw in Quong's criticism of convergence is already apparent. To show that PJS is incompatible with convergence, Quong must show that Gaus's conception of public justification is false. But this is peculiar: at first Quong claimed that *PJS itself* is incompatible with convergence. But in the end, Quong thinks that whether convergence fails depends on the details of how to understand epistemic justification and reasonableness within public reason. In other words, the heavy lifting in Quong's argument is *not* done by an antecedently plausible sincerity principle. This is precisely what we should expect. Sincerity principles are too ambiguous to perform the Herculean task of refuting a conception of justificatory reasons. We should understand the determination relation the other way around: defending sincerity requires a conception of justificatory reasons on hand. We learn much about sincerity debates by noting the pressure Quong feels to delve into complex issues within public reason to make his argument go through.

VII: Conclusion

One lesson of this paper is that the ideal of public reason is foremost a principle of *justification* not deliberation. Consequently, the unclarity of principles of deliberative sincerity is predictable. Defending a principle of sincerity requires the hard work of showing how a principle of justification implies a principle of deliberation. And in so doing, philosophers must accept that working forward from the ideal of public reason to principles of civic duty might dead-end. It is implausible to think

⁶³ Gaus 1996, p. 31.

⁶⁴ Quong 2011, p. 270.

⁶⁵ Ibid.

that the ideal of public reason has *no* deliberative implications. But the prospects for sincerity are limited. Specifically, sincerity applies only to the deliberative advocacy of proposals and officials that citizens' justifiably believe will contribute to a publicly justified polity. Further, they must believe their advocacy matters, such as advocacy in the appropriate mini-public, like the British Columbia Citizens' Assembly. If citizens internalize *PCSP* and *PSCO* then it is plausible to think that their deliberations will help to realize a publicly justified polity because they will causally contribute to a state of affairs where all laws are publicly justified.

I end on a more general note. Once we understand the relationship between public justification as an ideal and the real-world practice of political deliberation, mainstream public reason liberalism's emphasis on deliberation must fade. The deliberative implications of public reason are modest. The hard work in public reason concerns how to transform these deliberative inputs into publicly justified outputs, for the path from deliberation to the imposition of laws is long. Public reason liberals must account for public culture, defend certain voting rules indexed to various stages of decision-making and specify standards of political participation other than dialogue, such as an ethics of voting.⁶⁶ They also need standards to govern decision-making in governmental bodies and to identify publicly justified constitutions. The vast distance between deliberation and the ideal of public reason should leave readers skeptical of even my modest principle. Deliberation is merely the switch that kicks off the Rube Goldberg machine of political life. We should still desire sincere deliberation, but public reason liberals have a much more complex task ahead of them if they are to specify a complete conception of civic duty in a publicly justified polity.

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⁶⁶ See Brennan 2011 for an extensive treatment of voting ethics which demonstrates the enormous complexities in determining how to properly vote.

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