Convergence and Consensus in Public Reason

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Some people agree for the same reasons; others agree for different reasons. In some cases, reasonable individuals share a rationale for a decision and, in other cases, they make the same decision based on disparate and often incompatible rationales. The social contract tradition has been divided between these two methods of solving the problem of social cooperation: must social cooperation occur on the basis of common reasoning or can individuals with different doctrines simply converge on shared institutions for their own reasons? For Hobbes, it is rational for all persons, regardless of their theological beliefs, to consent to the sovereign’s power.1 But for Locke, only Protestants with a shared theology could be party to the social contract.2 Rousseau thought that private reasons are not part of the general will and in Kant’s hypothetical contract, pure noumena reach common principles for the social order through the same reasoning process.3 In Theory of Justice, Rawls agreed with Rousseau and Kant: selecting the principles of justice requires modeling parties to the original position as having identical reasons.4

The social contract tradition recognized that political legitimacy could not rest on a comprehensive theology, as it was the subject of radical disagreement. The liberal political project arose as an attempt to locate an impartial method of political justification despite these differences. Thus the social contract theorists recognized both that people disagreed and that such disagreement had implications for the problem of political legitimacy. The later Rawls became increasingly worried that the problem of political legitimacy had to grapple with “the fact of reasonable pluralism,” i.e., that the free exercise of reason leads to pervasive and persistent disagreement about even life’s most important questions.5 Rawls’s response to reasonable pluralism was to stitch his original position into the reasonable, but distinct comprehensive doctrines of a particular society, that is, to generate what he called an “overlapping consensus.”6 The first stage of political justification, pro tanto justification, models individuals as reasoning identically.7 But the principles of justice arrived at

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2 Locke 2003, p. 245. [1688 reference]
4 Rawls 1971, p. 12.
5 Rawls 2005, p. xvii. Although Rawls recognized reasonable pluralism in TJ, as the idea of the reasonable is built into the OP, Rawls 1971, p. 13.
6 Rawls 2005, pp. 144-150.
7 Rawls 1995, pp. 142-143.
through the model—the original position—must be tested to see if each reasonable individual can fit this “political conception” or “module” into her worldview.\(^8\) Reasonable individuals must see if the political conception can be fully justified to them.\(^9\)

When Rawls drew political theorists’ attention to the challenge of reasonable pluralism, he inaugurated a new era of public reason liberalism, the tradition within liberal political theory which holds that coercion must be justified to all on terms they can reasonably be expected to endorse. This is to say that each and every reasonable member of the public must have good reasons to endorse the laws (or, for Rawls, constitutional essentials) of their society if they are to be treated as free and equal.\(^10\) But the public reason liberal tradition, like the social contract tradition as a whole, remains ambiguous between what I shall call consensus and convergence interpretations of public reasons. A consensus conception of reasons requires that public reasons have some common features, such as being shareable or accessible to all; convergence rejects such requirements. Hence public reason liberalism must decide whether public justification must proceed in accord a limited sphere of acceptable reasons or whether it is compatible with the disparate and inevitably divergent reasoning of all.

This essay asks public reason liberals to opt for convergence. For only by embracing convergence can public reason liberals truly respect reasonable pluralism and individual liberty. By restricting the set of permissible reasons, public reason liberals inevitably discriminate against some reasonable individuals by privileging the reasoning of others. These individuals are thereby partly excluded from being recognized as reasonable. Such citizens are also often asked to restrain themselves from employing their private reasons in public political advocacy; in so asking, public reason liberals insist that such citizens restrict their liberty and, implicitly or explicitly, threaten to blame them should they do otherwise. Such complaints are common, and typically arise from the faith-friendly critics of public reason liberalism. Political theorists like Nicholas Wolterstorff, Michael Perry, Paul Weithman, Philip Quinn, Kent Greenawalt and Christopher Eberle have argued that public reason liberalism per se requires restrictions on political reasoning that reasonable citizens of faith must regard as unacceptable.\(^11\) We shall see, however, that only consensus conceptions of public reasons raise their complaints.

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\(^8\) Rawls 2005, p. 12.
\(^10\) Rawls 2005, p. 137.
\(^11\) Rawls was quite concerned about such objections and led Rawls to modify his views in Political Liberalism. Paul Weithman has recently (and perceptively) argued that concerns about reconciling reasonable citizens of faith to liberal
While consensus views have been criticized, positive defenses of convergence are limited to Jeffrey Stout and Gerald Gaus. Criticisms of these defenses are rarer still, but several have appeared in the last several years. This essay aims to defend convergence by meeting these new criticisms; it proceeds in seven parts. Section I situates the consensus-convergence distinction within the structure of public reason liberalism. Section II offers several reasons to prefer convergence to consensus. Section III focuses on Rawls’s attempt to combine consensus and convergence and argues that consensus is unnecessary. The three remaining sections focus on criticisms advanced by Jonathan Quong, Stephen Macedo and Christopher Eberle. Section VII concludes with some reflections on the benefits of convergence and its implications for the future of the public reason tradition. Convergence is a powerful, viable alternative to the standard consensus conception of public reasons. This essay is presented as a challenge to public reason liberals to consider the convergence alternative, an alternative that, in my view, promises to change the shape of public reason for the better.

I: An Overview of Public Reason Liberalism

Public reason liberalism requires that coercive laws be justified from every reasonable point of view. As stated above, the view descends from the social contract tradition of Hobbes, Locke, Rousseau and Kant; in the late twentieth century, the tradition was revived by John Rawls and has been extended and developed by many others. I take public reason liberalism to consist in two foundational principles:

The Liberty Principle: Liberty should be the norm … coercion always needs some special justification. Unjustified coercion is pro tanto wrong.

The Public Justification Principle: A coercive action C is justified if only if each and every member of the public, deliberating under conditions D, has (a) conclusive reason(s) R to endorse C.

The public reason tradition is grounded in the foundational assumption that all persons are free and equal, meaning that no one has a natural duty to obey the commands of any other. For this reason,
there is a presumption against interfering with or coercing others, both physically and through moral and political demands. Many contemporary liberals, including Rawls, Joseph Feinberg, Stanley Benn and Gerald Gaus, endorse a liberty principle to represent this fundamental liberal commitment to respect for individual liberty and the historic liberal aim of preserving it. For public reason liberals generally, all coercion must be justified by meeting the liberty principle.

The public reason liberal holds that coercive laws are justified only when they satisfy the public justification principle. Coercion is justified to others in terms of their rational commitments; citizens are bound to comply with coercive laws when their own reasoning and values commit them to it. While all members of the public are subjects of justification, individuals are often idealized in that they are modeled as having consistent and well-informed commitments, cleansed of what Christopher Eberle calls “epistemic pockmarks.” Public reason liberals also emphasize the fact of reasonable pluralism or evaluative diversity. As Rawls claims for his own version of public reason, “political liberalism assumes that, for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime.” All public reason liberals agree with Rawls; the free exercise of reason will lead to the endorsement of a plurality of values. This will hold even for idealized citizens. Thus a fundamental value of public reason liberalism is respect for the diverse reasoning of all.

The consensus-convergence distinction is captured by R in the public justification principle. R can be interpreted as a consensus or convergence standard. Fred D’Agostino contrasts consensus and convergence as follows:

If both A and B share a reason R that makes a regime reasonable for them, then the justification of the regime is grounded in their consensus with respect to R. If A has a reason R_a that makes the regime reasonable for him, and B has a reason R_b that makes the regime reasonable for her, then the justification of the regime is based on convergence on it from separate points of view.

A convergence conception of reasons only requires that individuals accept laws and political proposals for their individual reasons; whereas consensus requires that laws and political proposals be accepted by reasons that have some common epistemic property like shareability. D’Agostino’s

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17 Rawls 2005, p. xvi.
18 For perhaps the first explicit articulation of the consensus-convergence distinction, see D’Agostino 1996, p. 30.
definition of consensus requires that reasons be shareable, but the public justification principle is sometimes thought to merely require that public reasons be mutually “accessible”.\textsuperscript{19}

There are therefore more than two conceptions of \( R \), though they can be grouped under “consensus” and “convergence” headings. Nonetheless, it will prove crucial to specify exactly which conception is defended here. I shall call the conception of public reasons that includes a shareability requirement on reasons strong consensus. A weak consensus conception of reasons requires only accessibility. A convergence conception of reasons requires neither shareability nor accessibility.\textsuperscript{20} Public reason liberals often implicitly adopt a symmetry requirement on reasons as well.\textsuperscript{21} Symmetry requires that however public reasons are used, they be used symmetrically across a number of contexts. Specifically, the symmetry requirement holds that the standards that apply to reasons to propose coercive action are equivalent to reasons that reject or defeat coercive action. If we deny symmetry, one standard could apply to reasons to propose and another to reasons to reject. Thus the strong consensus, weak consensus and convergence views can be symmetric or asymmetric. This paper defends an asymmetric convergence standard but I shall not argue against symmetry here.\textsuperscript{22}

II: Arguments for Convergence

Two arguments militate in favor of convergence: (1) convergence respects reasonable pluralism more than strong or weak consensus and (2) convergence places fewer restraints on individual liberty as understood by the liberty principle. Two of public reason liberalism’s fundamental values are respect for reasonable pluralism and the preservation of individual liberty. Convergence acquires a decisive advantage over the consensus alternatives if it promotes both values more effectively. Let us take the two arguments one by one.

Again, the recognition of the fact of reasonable pluralism is perhaps the primary motivation for the public reason liberal tradition and arguably the social contract tradition as a whole. The public reason tradition holds that the proper response to reasonable pluralism is to publicly justify coercion to others in terms they can reasonably be expected to accept or by their rational commitments. Since reasonable pluralism lies at the heart of public reason, public reason liberals

\textsuperscript{19} For an extensive discussion and criticism of these standards, see Eberle 2002, pp. 234-293.
\textsuperscript{20} I have defined these two standards elsewhere. See Vallier 2010.
\textsuperscript{21} Gerald Gaus and Kevin Vallier explain the requirement and pose an argument against it in Gaus and Vallier 2009, pp. 62-65.
\textsuperscript{22} Gerald Gaus and I have done so elsewhere, see ibid.
should assume that there is a presumption in favor of less restrictive conceptions of reasons over more restrictive conceptions. As Gerald Gaus and Kevin Vallier have put it elsewhere, “by recognizing that reasonable citizens have different reasons to accept a proposal, public recognition of convergence justification reinforces the public awareness of reasonable pluralism. Convergence reasoning, then, expresses a commitment to pluralism of values in public justification.”

Gaus and Vallier implicitly advance two separate arguments from reasonable pluralism to convergence reasoning. The first argument holds that by permitting a wide range of reasons into the public sphere, a constitutional democratic society reminds its members of the fact of reasonable pluralism. Convergence thus reminds citizens that reasonable people disagree with one another to a substantial degree. In a society concerned with public justification, reminding citizens of reasonable pluralism can promote stability, sincerity in political interactions, and increased respect for evaluative diversity, all benefits that public reason liberals value. The other argument claims that the convergence conception of reasons better expresses a commitment to respecting a pluralism of values. Consensus theorists recommend norms that, when socially enforced, restrict the use of inaccessible or unshareable reasons, thereby denying citizens permission to appeal to considerations that they think are relevant for shaping their institutions. While convergence liberals bar private reasons from serving as the sole bases for political coercion, consensus liberals go further, often restricting the use of citizens’ reasons in public. While even convergence theorists will argue that coercive laws cannot be passed solely on the basis of one person or group’s private reasons, they place few if any restrictions on the use of reasons in public political life. Consensus theorists threaten to constrict the use of reasonable values from entering into public life; in doing so, they threaten to squelch, minimize and dismiss the full extent of reasonable pluralism.

The second argument for convergence is that it gives individuals a broad social space within which they can live in accord with their own judgments. In short, convergence gives citizens greater freedom. Consensus restricts liberty in two ways: (1) by restricting the reasons that individuals may legitimately act upon in public political life and (2) by restricting the range of reasons citizens may use to block the passage of coercive laws. The first objection is sometimes referred to as the “integrity objection” to public reason liberalism. Consensus theorists, in requiring that public

23 Ibid., p. 59. Gaus and Vallier go on to emphasize that adopting a convergence standard does not rule out consensus reasoning. Convergence reasoning is a superset of consensus reasoning of the weak or strong varieties.

24 These constrictions may both unintentionally bar values from entering public justification that consensus liberals regard as reasonable and bar values from entering public justification that are reasonable despite the objections of consensus liberals.

25 For this term, see Neal 2009, p. 159.
reasons be shareable or accessible, are often led to advocate principles of restraint that require one to limit the use of non-public bases of political justification and action. Citizens who violate these norms may be rightly blamed for being bad citizens. Such blame threatens ostracism from the moral community and can thereby alienate an individual from her political institutions and society as a whole. The persistent threat of ostracism and blame counts as a significant impairment to individual liberty. Nicholas Wolterstorff (among others) has argued that public reason liberalism, in requiring restraint, requires citizens of faith to “privatize” their religious belief and to “split” their identities into public and private halves. As Wolterstorff has argued, citizens of faith often think that they should “base their decisions concerning fundamental issues of justice on their religious convictions” and that they will often want to “strive for wholeness, integrity, integration, in their lives.” As such, their religion is “about their social and political existence.” Thus, “to require of them that they not base their decisions and discussions concerning political issues on their religion is to infringe, inequitably, on the free exercise of their religion.” To ask citizens of faith to sideline their religious convictions may therefore be a substantial restriction of their liberty.

By restricting the range of reasons that may enter into public political life, consensus theorists deprive citizens the power to object to coercive laws on the basis of their private values. Consequently, consensus theorists may well have difficulty justifying religious accommodation. Public reasons regard religious reasons as paradigmatic private reasons. While consensus theorists defend a general right to liberty of conscience, they bar people of faith from drawing on their theological reasons to object to, say, being drafted into war. In objecting, they are barred from appealing to considerations they find salient. Similarly, if citizens of faith object to having their children taught only shared and accessible values in public school based on their private values, consensus theorists leave these parents with little recourse. Consensus politics is thus more invasive than convergence politics. A critic might reply that consensus is actually the more stringent standard because it requires shared reasons in order to interfere with liberty. However, it also bars the use of unshared reasons to reject infringements on liberty.

Convergence promotes public reason liberalism’s foundational political values by expressing greater respect for reasonable pluralism and protecting individual liberty. These considerations do

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26 I pass over the complex issue of whether consensus in fact implies principles of restraint. In contrast to many in the literature, I do not think the implication is straightforward, but I cannot establish the link here. For now, I shall simply assume, along with the literature as a whole, that consensus conceptions of reasons imply principles of restraint.

27 Emphasis mine. See Wolterstorff 1997, p. 105 [correct cite].

28 See Swaine 2008. Kevin Vallier has argued that this is false. See Vallier 2010.
not, by themselves, vindicate convergence as they do not refute potentially persuasive criticisms leveled against it. Nevertheless, they create a strong presumption on its behalf. If the arguments against convergence can be defeated, the case for convergence is sound.

III: Rawls’s Synthesis

As mentioned in the introduction, Rawls’s theory of political justification combines consensus and convergence. To illustrate, recall the three-part structure of political justification in Rawls’s *Political Liberalism.*

1. The first stage, the original position, generates a freestanding political conception of justice, a module that can fit within the comprehensive doctrines of all reasonable persons. In this stage of justification, the parties to the original position reason in the same fashion due to the stringent restrictions on information and reasoning behind the veil of ignorance. Their reasoning does not draw on their comprehensive doctrines. This “pro tanto” stage of justification might be understood as an extreme consensus stage of justification, where parties to the original position reason on precisely the same basis.

2. In the next stage, full justification, citizens of the well-ordered society test the political conception to see if it can fit within each reasonable comprehensive doctrine. This stage, Rawls insists, is crucial. One reason is that the political conception “gives no guidance” on how it is to be embed within citizens’ comprehensive doctrines. In the full justification stage “it is left to each citizen … to say how the claims of political justice are to be ordered, or weighed, against nonpolitical values. The political conception gives no guidance in such questions ….”

Citizens of a well-ordered society must complete full justification themselves. We might understand full justification as the convergence stage of justification.

While Rawls thinks that the first two stages of political justification are necessary to publicly justify a political conception of justice, the convergence theorist disagrees, maintaining that full justification—convergence—is the only normatively significant stage of political justification. If political institutions are justified to each person on the basis of her own reasons, political justification has been achieved. Thus the convergence theorist wonders why political theory cannot do away with the first stage. While pro tanto justification might be employed as a useful heuristic for

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29 For the most developed articulation of Rawls’s three stages of justification, see Rawls 1995, pp. 142-151. For Habermas’s critical remarks see Habermas 1995, pp. 119-122. 109-131, esp. 119-122. [YEAR]
30 Rawls, Ibid., pp. 386-387.
31 Ibid.
locating a set of potentially justified principles, it would function only as a discovery procedure to uncover convergence points.

Rawls might reply that consensus of pro tanto justification is required to avoid indeterminacy in determining a conception of justice. Rawls wants the original position to locate a determinate set of principles. Without determinacy, the original position seems to fail to identify the principles of justice as it might generate an unmanageably large number of conceptions of justice. Citizens’ reasons are so varied that locating and selecting among the potential convergence points might be impossible. Rawls responds to this challenge by building substantive constraints into the original position to reduce the convergence points to a manageable level. His counter to mere convergence is thus that substantive constraints on permissible reasons are needed to manage indeterminacy.

The convergence theorist can respond in two ways: (a) argue that the set of potentially justified principles is not unmanageably large and (b) argue that parties selecting a conception of justice can publicly justify a decision procedure by which political principles may be selected. Option (a) may seem hopeless. If convergence is sufficient for public justification, reasonable pluralism may reveal many potentially justified principles. In response, the convergence theorist can deny the symmetry requirement, which holds that restrictions on reasons to propose coercion apply to reasons to reject it. By denying symmetry, the convergence theorist can permit individual, “private” reasons to play the role of defeaters, that is, to show that coercive proposals are unjustified. Perhaps the inclusion of private reasons will shrink the set of defeater reasons. Since individuals’ private reasons are extraordinarily diverse, many different opportunities to pass coercive proposals could be defeated. This suggests that a real danger of (asymmetric) convergence is that it will fail to generate any convergence points. Christopher Eberle has raised this objection, which we examine in Section IV.

Option (b) involves two steps. First, it gathers the potential convergence points into a set and attempts to rank them according to what citizens have more reason to endorse. The list is comprised of all political principles citizens regard as an improvement over no principle. Citizens’ reasons provide the information required to rank them. The second step requires the selection of a decision procedure that can select a member of the set. Once a decision procedure is publicly justified, a society can select political principles. This strategy is essentially the solution proposed by

32 In his early work, Rawls wants the parties to the original position to hear complaints until everyone is “roughly of one mind” as to how complaints are to be judged. See Rawls 1957, p.656.
33 Gaus and Vallier defend this strategy. See Gaus and Vallier 2009, pp. 62-64.
the social contract tradition as a whole; particular structures of government are justified on the grounds that they help to resolve disputes about rankings; Hobbes pursues this strategy by defending the use of a sovereign power and it is on this basis that Locke and Rousseau recommend democracy.\footnote{Hobbes 1994, pp. 76-77; Locke 2003, p. 160; Rousseau 1997, pp. 90-92.} Among contemporary political philosophers, David Estlund’s epistemic proceduralism employs procedures that aim to track facts about what the best political arrangements consist in.\footnote{See Estlund 2008, pp. 159-183.} Gerald Gaus has also pursued option (b), arguing that evolutionary procedures are required to effectively track and rank publicly justified proposals.\footnote{Gaus 2010, pp. xxx-xxx.} Given the pedigree of this response and its currently recognized viability, there is no reason to conclude that the challenge raised by strategy (b) is sufficient to reject it.

If possible, the pro tanto stage of justification should be abandoned. Convergence expresses two fundamental values of public reason liberalism: respect for reasonable pluralism and the protection of individual liberty. If the pro tanto stage is unnecessary, then given their own theoretical values, public reason liberals have no reason to employ it. It won’t hurt to remember that towards the end of his career, Rawls admitted that the political conception of justice is merely “one of a family of reasonable liberal conceptions of justice.”\footnote{Rawls 2005, p. xlvii.} Rawls’s professional career began with indeterminacy and ended with indeterminacy. The pro tanto stage of justification did not save him from his life-long nemesis.

IV: Eberle and the Agapic Pacifist

Rawls’s combination of consensus and convergence is motivated by the fear that a convergence conception of public justification will yield indeterminate results. Political theory will turn up too many convergence points and leave citizens with no rational method of selecting among them. Christopher Eberle has advanced precisely the opposite objection: convergence justifications threaten to leave citizens with few if any convergence points. In a recent article, Eberle points out that convergence promises to be far friendlier to citizens of faith than consensus views. Eberle writes:
If a citizen or public official has what she regards as decisive religious objection to some coercive measure, then that coercive measure cannot be justified to her, in which case it would be disrespectful … to impose it on her.\(^{38}\)

Accordingly, convergence “accords to religious citizens a potentially decisive role in determining the legitimacy of state coercion.”\(^{39}\) Conversely, secular citizens can undermine the justifiability of coercion as well, for if a secular citizen has a decisive secular objection to some coercive measure, then it is similarly defeated. Eberle thinks convergence enables secular and religious citizens (or differing groups generally) to defeat all eligible proposals with respect to some key issue. For Eberle, convergence “retains an exceedingly demanding conception of what makes for justified coercion”; on convergence, coercion required for liberal democracy itself may not be able to be justified.\(^{40}\) And so, Eberle concludes, it is “better to jettison the conception of justified coercion” than “to deny the legitimacy of those necessary measures.”\(^{41}\)

Eberle illustrates his point with the role that an “Agapic Pacifist” plays within public reasoning about national foreign policy. An Agapic Pacifist is one who thinks that Jesus’ command to Love Thy Neighbor bars the lethal use of violence; consequently, on Christian grounds, she opposes war. The Agapic Pacifist takes herself to have “compelling theological reasons” to reject the coercion required to protect rights. If the convergence conception of public reason holds, the Agapic Pacifist can threaten the legitimacy of “any and all wars.”\(^{42}\) Eberle concludes that “liberalism cannot survive the convergence conception of justified coercion.”\(^{43}\) Let us assume for the sake of discussion that the Agapic Pacifist is reasonable and rational, that is, she is generally willing to compromise with others (though not clearly in this case, given what is at stake) and that she has coherent and sound epistemic commitments. The Agapic Pacifist threatens to make liberalism impossible because she defeats the justification for war, which is sometimes essential to maintaining a stable social order.

Perhaps the convergence theorist could offer the Agapic Pacifist an exemption in response to her defeater: not only will she not be required to serve in any war, she will not be forced to finance any war. After all, the liberal state has long practiced a policy of religious accommodation,

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39 Ibid.
40 Ibid.
41 Ibid., p. 13.
43 Ibid.
particularly with respect to conscientious objection. Eberle contends that this reply fails to give “due weight to the Agapic Pacifist’s concerns.” The Agapic pacifist objects not merely to her killing anyone but to anyone killing anyone. Her government cannot be allowed to kill the innocent insofar as it is her government. Eberle claims that it is reasonable for the Agapic Pacifist “to insist … that [her] government’s agents may not kill.” Second, Eberle reminds us that the Agapic Pacifist is objecting to non-trivial policy, policy that might massively affect the Agapic Pacifist’s life. Thus, no matter the accommodation, “the liberal state’s employment of lethal violence will unavoidably and powerfully affect their well-being.”

Eberle’s response can be taken in two ways depending upon why it matters that the Agapic Pacifist’s well-being is affected. On one interpretation, publicly justifying war to the Agapic Pacifist may be required simply because her well-being is affected. Alternatively, publicly justifying war could be required because some principle of concern for well-being is already publicly justified to the Agapic Pacifist and her political community. The first interpretation holds that the fact that the Agapic Pacifist’s well-being is affected is a sufficient reason to publicly justify a rule to her; the second interpretation holds that justification is owed to the Agapic Pacifist on the basis of already publicly justified rules against diminishing the well-being of others.

The two objections are importantly distinct. The first objection misfires, for a complaint of a loss of well-being is insufficient to trigger the requirement of public justification. Let’s see why. Public reason liberalism is rooted in a presumption in favor of liberty that can only be met by a public justification. Thus, free and equal individuals have a duty to justify interfering with others. But why not think that the threat of a loss of well-being requires justification? It may initially appear that if John’s actions cause Reba to lose well-being that she has a complaint against him. Thus John may seem presumptively obligated to avoid causing Reba to lose well-being. We can understand this reply as suggesting three different modifications of the liberty principle: (i) count John’s causing Reba to lose some well-being as a form of interference, (ii) replace the liberal principle with a presumption against a loss of well-being or (iii) embrace both presumptions. Reply (i) is implausible because if John causes Reba to lose well-being, he has not necessarily interfered with her. To give one example, if John adores Reba’s character on his favorite TV show, and Reba decides to quit the show, John will lose well-being in the process. Nonetheless, Reba does not interfere with John by quitting. Reply

44 Ibid., p. 24, ft. 28.
45 Ibid. We might deny the assumption that the Agapic Pacifist is reasonable to demand that her government not kill but I shall not pursue this line here.
46 Ibid. Also see Horton 2010.
(ii) is implausible because it is excessively demanding. To use the same example, if John will lose well-being if Reba quits his favorite show, then given a presumption against causing losses of well-being, Reba must justify her change of occupation in terms he can rationally endorse. In this case, then, John potentially has a veto over whether Reba can quit her job. This seems wrong because it places an enormous burden on Reba. John can effectively trap Reba into a job she dislikes. The idea of such a duty of justification on Reba’s part runs counter to our commonsense conception of the behavior we owe to each other. Reply (iii) is implausible because it is too complex. Returning to John and Reba, suppose, again, that Reba wishes to quit her job. The presumption against interference does not require that Reba justify doing so but the presumption against losses of well-being does. In this case, it is unclear how to resolve the conflict entailed by the two presumptions. A political theory that contains both presumptions thus requires a method by which to resolve such conflicts. In standard accounts of public reason liberalism, the presumption in favor of liberty and the public justification principle serve the role of resolving conflicts between duty and no-duty claims. With two presumptions, the principles can no longer perform this function, at least in cases where the two presumptions conflict. Given an absence of sufficient motivation for a presumption against a lack of well-being, the costs of the increased complexity of a political theory with two presumptions seem to outweigh the prima facie plausibility of such a presumption.

The second objection is much more threatening. Any publicly justified polity will have a number of basic, widely justified political norms. In liberal democratic societies, these often include basic principles of free speech, freedom of religion, due process, the right to vote and the right to hold personal property. Further, there are typically dozens of standards that together represent a general presumption against harm. That is, liberal democratic societies tend to embrace a political harm principle: citizens have a claim against being harmed without justification. In cases where harm is imposed, governments are often required to provide compensation. If a harm principle is publicly justified in the Agapic Pacifist’s society (let us presume that it will be), then the Agapic Pacifist may well have a complaint should her society go to war. But now that the challenge has been brought into focus, it is no longer clear that a publicly justified polity is unable to respond. The Agapic Pacifist’s complaint is essentially that she has been forced to pay for a negative externality produced by her state; the state has imposed a welfare loss upon her without justification. As a cooperative member of her society, the Agapic Pacifist objects to war and maintains that not forcing her to fight or pay for others to fight will not offset the potential costs to her well-being. This is a valid

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47 To simplify the example, assume that Reba will not lose significant well-being by ending the relationship with John.
objection, but it is far from clear that there is no way to off-set the costs. Various forms of compensation might be made available, and it would seem to be unreasonable for the Agapic Pacifist to rule out as unjust any form of compensation that the state could offer her in good faith.\footnote{One might worry here that public reason liberalism cannot justify war anyway, as it cannot justify the coercion requires for war to an opposing army. However, many norms that we need can be justified within the framework of public reason. I assume that many norms required for war are of this sort.}

The power in Eberle’s criticism is that convergence may initially appear to so substantially reduce the opportunities for justified coercion that a society cannot morally perform its most basic functions. But Eberle’s case of the Agapic Pacifist fails to undermine the case for convergence. Sometimes convergence will reduce opportunities for justified coercion, but in other cases, convergence may increase (perhaps significantly) the number of eligible coercive proposals. Thus, it is unclear in the abstract whether convergence will produce unmanageable indeterminacy or a debilitating inability to coerce. Eberle’s argument generalizes from a single case to ascertain the effect of convergence upon the vast network of rules that comprise the social order, yet a single case cannot do the job. Any publicly justified decision must occur with reference to a network of established laws and norms on either a consensus or a convergence view. The question of convergence is merely the question of whether private reasons may be used to thread the network.

V: Quong and Sincerity

The first two objections averred that convergence makes political justification practically impossible; the second two objections maintain that while convergence is a viable form of public justification, it undermines some of public reason’s other foundational commitments. Jonathan Quong argues that convergence permits citizens to be \textit{insincere} with one another, violating a commonly adopted sincerity requirement on public reasons.\footnote{Micah Schwartzman has perhaps the most developed conception of sincerity within the literature. See Schwartzman 2010.} Rawls has maintained that good citizens should “believe that the particular view we propose … expresses a reasonable combination and balance of the political values.”\footnote{Rawls 2005, p. 241.} Gerald Gaus endorses a principle of sincerity which holds that “Betty’s argument justifying N to Alf is sincere if and only if (1) she is justified in accepting N; (2) she has a justified belief that N is justifiable in Alf’s system of reasons and beliefs.”\footnote{Gaus 1996, p. 140.} Sincerity is important to ensure that attempts at public reasoning are not merely rhetorical or manipulative. A society that aims at public justification
aims at *bona fide* justification, not faux agreement. Being sincere also expresses respect for our fellow citizens as free and equal. When we are sincere with others, Quong argues, “… 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.”

Quong defines his own Principle of Justificatory Sincerity (PJS) as follows:

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

(i) A reasonably believes he is justified in endorsing X,
(ii) A reasonably believes that B is justified in endorsing X.

And Quong takes it to follow from this that:

(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.

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 respective reasons, $R_a$ and $R_b$, with respect to policy X:

A believes $R_a \to X$.
B believes $R_b \to X$.
A does not believe $R_b \to X$.
B does not believe $R_a \to X$.

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 can only offer Ben $R_b$, *insincerely* because Art does not think that $R_b$ justifies X. Quong thinks that convergence permits this case and thereby permits insincerity. By voting for X, then, Art votes to impose a law on Ben that Ben regards as unjustified.

Quong addresses a number of potential replies by convergence theorists, but I shall focus only on one. Quong suggests that the convergence theorist can maintain that “A can sincerely believe B is justified in endorsing X even though A does not believe $R_b \to X$,” as X could be justified “from B’s point of view” because B accepts views that A does not. In short, Art can say, “I

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52 Quong 2010, pp. 509-10.
53 Ibid., pp. 510-11.
54 Quong uses “→” to denote whatever justification relationship one prefers.
don’t think \( R_b \) is a good reason, but you do, Ben, so endorse \( X \).” Quong first claims that this reply only relocates his objection to the beliefs upon which Ben endorses \( R_b \), as Art will still have to appeal to reasons and beliefs he regards as unjustified to convince Ben.

Quong then addresses the possibility that, following Gerald Gaus, a moderate form of relativism about rational justification is true. Gaus embraces a standard of open justification for reasons and beliefs. 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 in [one’s system of beliefs and reasons].”\(^{55}\) This is to say that what counts as a reason or a 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 he lacks because he understands that the set of beliefs and values justified to Ben are different than his own. Accordingly, public reason liberals can endorse an agent-relative conception of epistemic justification or a notion of epistemic justification permits different beliefs and reasons and values to be justified to different agents. On such views, to check whether Art’s beliefs are justified, we only need to look at the relationship between A’s reasons, beliefs and evidence. Following Gaus, we only need a conception of epistemic justification that allows individuals with “systems of belief that contain different norms of inference and belief acceptance [to] be able to recognize each other’s systems as rational.”\(^{56}\)

Quong thinks that “Gaus’s wider theory of epistemology … is thus necessary in order for the convergence view to be consistent with PJ S.”\(^{57}\) However, he believes that adopting Gaus’s view is problematic. First, reasonable people often think other reasonable people have false or unjustified comprehensive doctrines: “reasonable citizens … do not think that doctrines that conflict with their own are justifiable. They view those other doctrines as both false and unjustifiable.”\(^{58}\) Some may find Quong’s distinction between reasonable views and justified views perplexing, but Quong thinks that the class of reasonable beliefs is larger than the class of justified beliefs. A reasonable belief is “any belief held by a reasonable person that is arrived at through an exercise of theoretical reason, which is to say that it is arrived at ‘in a more or less consistent and coherent fashion’. “\(^{59}\) Quong sides with Rawls in leaving the definition of reasonableness “deliberately loose,” since reasonable doctrines and

\(^{55}\) Gaus 1996, p. 31.
\(^{56}\) Ibid., p. 43.
\(^{57}\) Quong 2010, p. 518.
\(^{58}\) Ibid., p. 519.
\(^{59}\) Ibid., p. 476.
views need not be “open to rational appraisal or evidentially supportable.” For Quong, “you do not have to be subjectively justified in holding a belief in order for that belief to be a reasonable one.” He eschews a tighter definition of reasonableness to retain consensus about the nature of the concept.

Quong’s wide definition of reasonableness is implausible. First, it holds that bona fide political justifications may be based on doctrines and commitments with poor epistemic credentials. Since Quong separates reasonableness and justification, unjustified beliefs can shape the structure of political institutions and play a role in the formation of laws. Thus, public justification may be based on beliefs that are held irrationally. Quong denies this, arguing that “the political conception is developed as a freestanding view … so the justification of the principles of justice does not cater to poorly informed or logically dubious doctrines because the principles are constructed in isolation from [them].” Yet Quong can only make this claim because he (again, controversially) thinks that the pro tanto stage of political justification insulates the political conception from accountability to the reasonable comprehensive doctrines of a political society. Specifically, Quong believes that the overlapping consensus stage of justification should “represent the first stage of political liberalism’s justificatory structure” and so to justify a political order, political theorists must first ask “what citizens living in a society well-ordered according to any liberal conception of justice would have in common.” Political liberals who reject Quong’s revision of Rawlsian political justification cannot accept his view.

Furthermore, by resisting the use of a standard of epistemic justification within public reason, Quong damages the very idea of public reason. The point of public justification is to treat all people as free and equal, but the public reason tradition conceives of freedom in a particular way: an individual is free when she is able to act on good reasons. If she is to be free in this way, she must be free to act on her rational commitments. If an individual is coerced on bases that contradict...
her reasoning, then she is not free according to the ideal of public reason. The idea of a rational commitment, however, is deeply epistemological. Presumably one is said to act rationally at least when she acts on minimally justified beliefs; it is hard to regard actions based on beliefs with poor epistemic credentials as rational. If John takes his marching orders from his cat, then when he follows these orders he acts on the unjustified belief that his cat issues him commands; it seems fairly clear that in so acting, John is irrational.69

If Quong accepts that reasonableness requires a conception of epistemic justification, his objection to Gaus fails. Perhaps, though, he can resist by arguing that justifying a claim to another simply involves showing that reasonable people will accept the claim, not that the claim must be epistemically justified to them. This suggestion is problematic because being reasonable inevitably makes reference to rationality. Quong accepts the moral aspects of reasonableness; reasonable people believe that a political society is a system of fair cooperation and recognizing the burdens of judgment.70 But for Quong, following Rawls, reasonable citizens have two moral powers, such as possessing “a capacity for a conception of the good” which is the ability “to form, to revise, and rationally to pursue a conception of one’s rational advantage or good.”71 The Rawlsian ideal of public reason models citizens reasoning based on the bargains struck by reasonable and rational individuals. By adopting Rawls’s conception of the reasonable, even in broad outlines, Quong must accept that reasonable people at least partially makes reference to a conception of rationality and therefore to a theory of epistemic justification. Even if Quong rejects Rawls’s idea of the reasonable, he must admit that being reasonable involves a capacity to think rationally; otherwise, the very idea of being reasonable seems to collapse. However, as soon as Quong connects rationality to reasonableness, he will be compelled to embrace some conception of epistemic justification.72

If Quong’s loose view of reasonableness is rejected, we can focus on his second objection to a moderate relativism of reasons. Quong argues that reasonable citizens will disagree about the relevant standards of epistemic justification needed for public justification; therefore adopting a specific view like Gaus’s will be inappropriate: “Political liberalism cannot affirm or deny the truth of Gaus’s epistemic theory because that theory conflicts with what some reasonable citizens believe about the epistemic status of other people’s non-public doctrines.”73 But this reply confuses what

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69 For a similar discussion, see Gaus 2010, pp. 38-43.
70 Quong 2010, p. 72.
72 Gaus has argued that public reason liberals must embrace a conception of epistemic justification. Gaus 1996, pp. 3-5.
73 Quong 2010, p. 520.
Gaus has called the “perspective of philosophical reflection” and the “perspective of real moral agents.” Gaus’s conception of the epistemology appropriate for public reason concerns how to formulate a model of public justification from the perspective of one theorizing about justice. If we employ relativism about reasons as political theorists we do not thereby claim that the agents modeled by the theorist must endorse this relativism of reasons. It is crucial not to mix these perspectives, for if all of the details of public reason are viewed from the perspective of real moral agents, then practically all the details of a theory of public justification are subject to reasonable disagreement. Consequently, the entire theory of public justification will appear too controversial to be the subject of public reason, making the theory self-refuting.

Public justification simply must adopt an epistemology that allows for different reasons to be epistemically justified for different agents. If not, it is unclear how agents can appreciate the fact of reasonable pluralism (short of adopting a non-epistemic conception of the reasonable). If individuals do not regard others as having distinct but justified reasons, then they cannot recognize the fact that the free exercise of reason can lead others to very different, though justified and rational conclusions. One of the entire points of Gaus’s *Justificatory Liberalism* is to work out an epistemology that shows how reasonable pluralism is possible. If public reason liberalism is a response to the challenge of reasonable pluralism it necessarily requires an epistemology that makes reasonable pluralism possible.

Quong objects to convergence on the grounds that it requires insincerity, a claim which depends on rejecting an agent-relative conception of epistemic justification. But if public justification must assume an agent-relative conception of justification, then citizens can offer each other reasons they regard as unjustified without doing anything wrong. If so, then the convergence conception of public justification need not violate the Principle of Justificatory Sincerity.

To be sure, Quong rightly thinks that citizens will regard the comprehensive doctrines of others as false; and they will assuredly believe that the best reasoning and information vindicates their comprehensive doctrines. But in recognizing this, citizens need not regard their fellows’ views as unjustified despite being based upon ultimately faulty reasoning. John Pollock’s distinction between epistemic justification and warrant is useful here. Pollock puts the distinction as follows:

A *justified* choice is one that a real agent could make given all the reasoning that it has performed *up to the present time* and without violating the constraints of rationality. A *warranted*
choice is one that would be justified if the agent could complete all possibly relevant reasoning.\textsuperscript{75}

Recognizing reasonable pluralism only requires recognizing that the differing deliberations of others about their reasons are justified not that they are warranted. Quong is right that reasonable citizens will not only regard their compatriots’ views as mistaken but as based on all-things-considered bad reasoning. Nonetheless, this is not reason to adopt a loose conception of reasonableness. Pollock’s distinction allows the citizens to ascribe positive epistemic credentials to each other’s deliberations without regarding them as having reasoned in the best way. In sum, it appears that convergence is compatible with sincerity.

VI: Macedo and Common Rationales

Stephen Macedo has complained that convergence’s rejection of the necessity of shared commitments entails abandoning public reason’s traditional ideal of a shared commitment to justice. Macedo criticizes the convergence view of public reason on the grounds that it “has no special relation to the constitution of the public sphere.”\textsuperscript{76} Public reason is supposed to “empower a common point of view.”\textsuperscript{77} Those who share the convergence view, including Gaus and Jeffrey Stout, “downgrade or reject the ways in which liberal public reason is concerned to justify shared principles on the basis of common knowledge.”\textsuperscript{78} Instead, they embrace “privatism” or “partialism,” placing an excessive emphasis on reasonable pluralism. Consequently, these privatistic, partialist views generate an unacceptably thin conception of politics. A thin conception of politics is one that encourages citizens to find their sense of community only in “the partial associations of civil society, and the bosom of family and friends.”\textsuperscript{79}

Macedo recognizes that some may find a thin conception of politics unobjectionable and even attractive. But a thin politics has a severe disadvantage in comparison with a thicker politics that relies largely on shared values: privatism enervates the public sphere’s ability to share common knowledge. Common knowledge is not merely information shared within a group but requires

\textsuperscript{75} Pollock 2006, p. 6. Note that both consensus and convergence liberals can make use of Pollock’s distinction.
\textsuperscript{76} Macedo 2010, p. 3.
\textsuperscript{77} Ibid., p. 1.
\textsuperscript{78} Ibid.
\textsuperscript{79} Ibid., p. 16.
knowing about what others know. To better understand Macedo’s conception of common knowledge, we can compare it to Rawls’s arguably quite similar conception of publicity. To achieve the Rawlsian ideal of publicity, a society must recognize that it affirms common principles of justice. Rawls distinguishes three levels of publicity. The first level of publicity “is achieved when society is effectively regulated by public principles of justice: citizens accept and know that others likewise accept those principles, and this in turn is publicly recognized.”

Everyone understands that a society’s basic structure is justified in terms of commonly accepted practices of inquiry and reasoning. The second level of publicity requires that citizens of a well-ordered society have shared beliefs “in the light of which first principles of justice themselves can be accepted, that is, the general beliefs about human nature and the way political social institutions generally work, and indeed all such beliefs relevant to political justice.” A society must share beliefs about human nature and the functioning of social institutions in order to have a common framework for cooperation and moral justification. The third level of publicity concerns what Rawls calls “the full justification of the public concept of justice as it would be presented in its own terms”; this level must include all of the considerations we bring to the table when generating a conception of justice in the first place. The full justification—or, as we called it, the convergence stage—must be “publicly known, or better, at least [known to be] publicly available.” When a well-ordered society has all three types of publicity, Rawls claims that it meets “the full publicity condition.”

Like common knowledge, full publicity is important because it is appropriate to our status as “reasonable and rational citizens who are free and equal.” In a society with full publicity, the exchange of reasons will render citizens “confident that this avowed reckoning itself will strengthen and not weaken public understanding.” Micah Schwartzman has recently argued that full publicity has value for a number of reasons. For instance, it may be “necessary for democratic accountability” and could “enhance the quality of political decisions.” Full publicity will also make justifications for coercion publicly available so they can be evaluated and examined. Similarly, Macedo suggests that common knowledge “helps people coordinate their actions in service of mutual advantage” and aids

80 Rawls 2005, p. 66.
81 Ibid., p. 67.
82 Ibid.
83 Ibid. Rawls allows for the weaker, “at least” condition because many may not want to expend the cognitive resources required to acquire the relevant knowledge. For more on Rawls’s various conceptions of publicity, see Freeman 2007.
84 Rawls 2005, p. 67.
85 Ibid., p. 68.
86 Schwartzman 2010, pp. 7-8.
87 Ibid., p. 9.
“cooperation on the basis of shared values,” both benefits akin to those Rawls ascribes to full publicity. When citizens speak in shared terms, their arguments can be easily evaluated by their interlocutors because they share evaluative standards and reasons with us. Information is more easily shared when it is expressed in a common political language.

Macedo criticizes convergence on the grounds that it does not require any substantive common standards of reasoning (beyond honestly offering intelligible reasons). Accordingly, a society rooted in the privatistic conception of public reasoning fails to promote common knowledge:

But our capacity to assure one another of our shared commitment would seem more solidly grounded and stable, and also more mutually intelligible, if we share a rationale, or agree on a widely convincing proof. Then we not only agree each for our own reasons, but share a powerful rationale in common.\(^89\)

Mutually intelligible shared commitments provide benefits that privatistic societies fail to generate in adequate supply. For Macedo, shared commitments are similar to public goods; without a civic guarantee that reasoning will occur on the basis of shared commitments, citizens will go their own privatistic way and the norm will evaporate. Macedo marshals a key example to illustrate his point. Privatistic versions of public reason will tend to disadvantage the weak and marginalized. They are “thin” because they contain few shared norms that members of society can be called to follow. These norms often protect the weaker members of society. In a society with a thin conception of public reason, the “relatively powerful” will have no problem, but the powerless will fare poorly. For “who will have the resources to engage in private self-help and defense when others act unfairly?”\(^90\)

The poor and marginalized depend on shared commitments to protect themselves against the powerful. On convergence, more powerful citizens can defect on common moral norms that protect the poor and marginalized, leading the norms to collapse or weaken. To put it another way, norms are upheld by shared beliefs and practices about what is right and good. If the powerful do not follow these norms in order to secure advantages for themselves, they undermine the joint basis of enforcement of these norms.

\(^88\) Macedo 2010, p. 19.  
\(^89\) Ibid., p. 16.  
\(^90\) Ibid.
To what extent does convergence create problems for common knowledge and full publicity? It is not clear from Macedo’s argument. Convergence doesn’t rule out common reasoning; it only allows diverse reasoning. To refute convergence, Macedo must argue that broadening permissible justifications leads to a paucity of shared norms needed to protect potentially marginalized citizens; but Macedo makes no such argument. For all we know, convergence reasoning may increase the opportunities to develop shared commitments and values. Convergence permits many forms of overlap that citizens could not form under consensus. Because convergence is less restrictive, citizens may be able to converge on common proposals and norms through a wider range of mechanisms and reasoning systems. On the whole, convergence increases the amount of information available to the public. With more reasons on the table, citizens become aware of a broader range of considerations and have more resources from which to work out shared political principles and institutions. Unless the increase in information creates some sort of “noise” effect, where opportunities for public justification are obscured, it is hard to see why convergence should pose a problem for creating common commitments of the sort that Macedo wants.

One counterargument might be that because convergence permits private reasons to defeat shared commitments and proposals, it will remove a wide range of opportunities to develop them.\textsuperscript{91} If so, convergence will take many options off the table relative to symmetric and consensus standards; what convergence gives in extra information and opportunities for overlap, it might take away. But as we saw at the end of Section IV, it simply is unclear whether convergence will unacceptably add or subtract from the number of coercive laws that can be justified. Convergence will increase opportunities for coercion with respect to some matters and reduce them with respect to others.

That said, the possibility of defeat is not a complaint against convergence, for without the ability to defeat unjustified coercion, laws and policies passed will often be unjust. Even on a Rawlsian view, if a comprehensive doctrine is incompatible with the political conception, the political conception fails to achieve an overlapping consensus. On the convergence view, a conclusive private reason to reject a shared rationale or proposal will similarly show that the commitment or proposal on the table is unjustified.\textsuperscript{92} When the airing of unshared, inaccessible

\textsuperscript{91} It is worth noting that the extent to which convergence allows in more defeater reasons than consensus depends on whether a symmetry requirement is added to either standard. Typically consensus is tied to symmetry and convergence to asymmetry, so the argument of the piece simply assumes that the two options available are symmetric consensus and asymmetric convergence.

\textsuperscript{92} This is one reason that Quong substantially restricts the role of the overlapping consensus in his account of public reason. Quong 2010, p. 336.
removes opportunities for public justification, it does so by revealing citizens’ true reasons. Consensus obscures private reasons, preventing them from playing a justificatory role. If the ideal of public reason is to create a political society whose coercive institutions are justified, then citizens must be rationally committed to the coercion imposed upon them. Thus, they need not only be rationally committed by the “public” part of their reasoning but by their entire rational will.93 One crucial part of public reason that consensus theorists miss is that by restricting the set of reasons relevant to public justification, they lose the ideal of justification to the reason of the individual, which preserves her dignity.

We cannot determine in the abstract whether public reason will produce more opportunities for developing shared commitments or institutions or whether defeater reasons will eliminate many valuable opportunities to publicly justify proposals and institutions. Nonetheless, convergence can defend the poor and marginalized. Consensus reasoning restricts public reason to shared and accessible reasons and values. By allowing private reasons into public justification, convergence permits considerations to enter public discourse developed by poor and marginalized communities. Consider the African-American community in the United States. Due to its shared history and experience, blacks developed several languages of empowerment that many whites had trouble understanding. From shared linguistic conventions, to shared historical documents, to shared interpretations of common values, the black community (or communities) developed traditions of reasoning that are more appropriately understood as privatistic, to use Macedo’s terms. This is true of the Black Power movement which latched onto a necessarily private value in order to empower African-Americans. It is hard to square black communities’ use of private traditions of reasoning with a strong commitment to consensus reasoning. I submit that the same holds for the feminist community; in fact, many feminists have argued that women tend to appeal to different ethical concepts than men do and accordingly speak their own language of “the ethics of care.”94 While care ethics need not be restricted to women, a convergence theorist can argue that as a matter of historical fact, care ethics has been a source of reasoning of particular import to women and has thereby acquired a non-public element.95 Consensus may help protect the poor and marginalized but it appears that, in the end, consensus approaches threaten to close off many public paths to genuine protection of their interests. Convergence is a more active and empowering form of public reason because it is friendly to the private reasoning traditions of marginalized groups.

93 For the original articulation of this ideal, see Rousseau 1997, p. 50.
94 For one prominent example of such an argument, Noddings 2003.
95 Rawls 2005, p. 37.
VII: Convergence and the Future of Public Reason

Convergence has proven robust. It need not permit too many proposals to be manageable or too few to be feasible; it also need not forgo the liberal values of sincerity and publicity. The convergence standard is therefore a viable conception of public justification. However, adopting convergence promises to alter the public reason tradition. Indeed, one important reason to examine objections to convergence is to see precisely how it will do so.

I believe that all of the objections stem from the implicit observation that convergence makes public justification harder and more complicated. Allowing a vast array of private reasons into public justification threatens an unmanageable increase of information. Rawls tried to tame this unmanageability by creating a theoretical bottleneck that would permit only some of these reasons into the theory and practice of politics. Eberle sees the new information as a normative hailstorm, destroying many fruitful opportunities for social cooperation. Quong thinks convergence sanctions strategic and dishonest public reasoning incompatible with honest, civil dialogue. If private reasons enter public justification, citizens can advocate based on some reasons, argue based on other reasons, and vote on other reasons still. Perhaps good citizens could not balance so many considerations. Macedo worries that the flood of information unleashed by convergence will decimate shared norms and commitments. A smaller pool of reasons with similar characteristics may allow a more stable social order to form. A consensus standard structures reasons in a more static and seemingly solid social edifice; convergence threatens shared institutions with reasons that could undermine them. Without these common structures, many valuable public institutions could collapse. The objections can be summed up as follows: convergence presents public reason with information problems.

There are two information problems. The first holds that convergence makes it harder for citizens to determine how to publicly reason through dialogue alone. With the smaller set of symmetric, shared and accessible reasons provided by consensus, it is easier to discern how to treat others with respect: simply offer shared or accessible reasons in argument and act upon them in politics. But under convergence it is less clear what good citizenship requires. Consequently, it may prove difficult for citizens to form shared commitments and rationales. Thus excessive information presents a problem of indeterminacy in the practice of citizenship. Next, recall from Sections III and IV that Eberle and Rawls cite opposing problems for convergence. Consequently, the second information problem suggests that it is unclear at the level of political theory how convergence
affects the number of eligible proposals within a political order. That is, it is difficult to predict from the resources of political theory alone whether convergence poses either problem. The political world of convergence is less determinate, less predictable and more dynamic, and so excessive information presents a problem of indeterminacy in the theory of justice.

These two challenges should excite public reason liberals, not intimidate them, as they both present the opportunity for theoretical development. The first information problem can be met by showing that convergence requires little of citizens and points to the resulting benefits. As we have seen above, without the symmetry, accessibility and shareability requirements, convergence will not motivate the principles of restraint common to the public reason literature. By abandoning principles of restraint, therefore, convergence poses less of a threat to citizens who wish to advance religious reasons in the public sphere and to their defenders within the philosophical community. Convergence conceptions of public reason therefore need not alienate citizens of faith committed to liberal democratic institutions, unlike consensus conceptions. Asymmetric convergence is also friendlier to the centuries-old liberal practice of religious accommodation, as it permits religious and private reasons to play the role of defeaters. For these reasons, the convergence conception of public discourse is far more free-wheeling and Millian than the consensus conception.

The second information problem suggests that political theory can tell us less about which norms are justified. Given that political theory cannot determine which reasons are permissible, the door is open for social epistemic processes to help societies arrive at better norms through a free exchange of ideas. While sensitivity to such processes is part of the deliberative democracy literature, a world of convergence justifications must go far beyond deliberation in order to solve the problem of public justification. The information problem will likely prove unmanageable at the level of explicit, consciousness cognition. As Gaus and Vallier have put it,

… we need to develop a theory of public justification among a complex system of interactions characterized by convergence justifications. In a system characterized by such

96 Citizens should be honest in offering their best reasons, of course. They should also, at least for pragmatic reasons, offer arguments they think will be compelling to their interlocutors. But being honest and practical is far less burdensome than the principles of restraint embraced by consensus liberals.

97 Some will worry that letting private reasons function as defeaters will open the door to an unmanageable number of accommodations. We cannot address this objection here, but it is worth noting as a concern.

98 Jurgen Habermas has made perhaps the most renowned attempt to integrate deliberative democracy with a theory of social cognition. See Habermas 1999, esp pp. 116-170.
justifications no citizen is in the position to gauge, on the basis of her or his own experiences, the importance and relevance of any given reason … to public justification.\textsuperscript{99}

Therefore, a turn towards social cognition may eclipse the central importance of deliberation to the political process. Public reason liberals could instead focus on determining how political institutions can track the development of norms and reasons that arise from the epistemological practices and processes of different societies. Publicly justified institutions will help to register the views of citizens as inputs and output publicly justified laws and policies. Thus public reason under convergence takes what we might call an institutional turn.

In conclusion, the institutional and social epistemological aspects of convergence also suggest a shift of importance within the public reason tradition from political philosophers to social scientists. If political theory alone cannot determine which norms are justified, then the political philosopher’s job becomes more circumscribed, and if achieving public justification requires tracking complex forms of social cognition that do not always involve explicit, deliberative reasoning then the skill set of the philosopher—dialogue, deliberation and criticism—may not effectively track the reasoning of citizens. That said, while convergence suggests that the political philosopher is less central to the development of just institutions than consensus liberals have held, the shift can be understood in more constructive terms. If political philosophers have reason to further emphasize institutional design and social cognition, perhaps they should give more attention to those political philosophers who were themselves great social scientists, like Adam Smith, and to the largely ignored political economy of philosophers whose other work receives great attention, such as David Hume, John Stuart Mill and Henry Sidgwick.

\textsuperscript{99} Gaus and Vallier 2009, p. 67.
References


