

PUBLIC REASON IS NOT SELF-DEFEATING

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ABSTRACT

Steven Wall has two compelling arguments for what I shall call public reason liberalism's reflexivity requirement (RR). The political concerns to (i) reconcile persons who hold diverse moral views, and (ii) to avoid authoritarianism in politics not only require the public justification of coercion but the public justification of the standard used to determine when coercion is publicly justified. The reflexivity requirement is said to entail that public reason is self-defeating.

Once RR is correctly formulated, however, cases of self-defeat will be rare, as citizens seldom employ public justification requirements as reasons. When they do, such requirements are rarely their sole reason for supporting political coercion. A properly formulated reflexivity requirement, therefore, does not imply self-defeat. It also allows for a more ecumenical understanding that establish the processes of public justification.

Public reason liberals believe that all state coercion is subject to a *public justification requirement*. Public justification requirements thereby impose a constraint on the permissible use of state coercion: citizens must have sufficient reason to accept coercive laws if these laws are to treat persons as free, equal, and worthy of respect. Public reason liberals also claim that due to reasonable pluralism, public justification requirements are hard to satisfy in modern liberal democratic societies.¹ If individuals freely and morally engage in practical reasoning, they will come to deeply disagree about matters of ultimate import, giving them diverse reasons for action. To satisfy a public justification requirement, then, a law or policy must be justifiable on several different reasonable grounds, not just one.

One potentially powerful objection to public justification requirements is that they are self-defeating because the rationale for public justification requirements entails that

the requirements themselves must be publicly justified. But given that many, if not most, reasonable people reject public justification requirements, due to reasonable pluralism, these critics argue that such requirements cannot be publicly justified. Define public reason's *reflexivity requirement* (RR) as the view that public justification requirements must be publicly justified if they are to determine which laws are publicly justified. We can now state the argument from self-defeat precisely. Three claims are jointly inconsistent: a public justification requirement, the fact of reasonable pluralism, and the reflexivity requirement.²

In this paper, I argue that the self-defeat objection fails. Once RR is correctly formulated, the fact of reasonable pluralism no longer leads to a *problematic* rejection of public justification requirements. In a pair of articles, Steven Wall has offered the most compelling case for self-defeat. The first article charges mainstream versions of public reason

liberalism with self-defeat, while the second charges Gerald Gaus's increasingly prominent public reason view with self-defeat.³ The two criticisms both show that the rationales for public justification requirements support RR. The common political concern to (i) reconcile persons who hold diverse moral and philosophical doctrines, and (ii) avoid authoritarianism and sectarianism in politics require *both* the public justification of coercion and the public justification of the standard used to determine when coercion is publicly justified. For Wall, there is no "clean separation" between the standard of full justification for coercive laws and the justifications themselves. Consequently, if we accept a public justification requirement, we must also accept RR. Wall then argues that public justification requirements often function as reasons for coercion, which will manifest in cases of self-defeat.

David Estlund and Gaus have offered two distinct replies to the self-defeat argument.⁴ Estlund accepts RR and argues that an attractive public justification requirement can satisfy it. In contrast, Gaus rejects RR based on his claim that our justificatory practices are grounded in our own understanding of our moral practices. That is, public justification requirements are philosophical descriptions of moral practices to which we're already committed. So public justification requirements need no public justification because they do not function as justificatory reasons, but as descriptions of our justified moral practices.⁵

I shall not engage either reply. I will avoid Gaus's reply because it depends on an extensive account of the components of our moral practices. I will also set Estlund's reply aside, though my reason for doing so is more complicated. In general, I believe Estlund's reply to the self-defeat objection makes the justificatory public, the set of people to whom coercion must be justified, far too narrow. Reasonable people are bound

to disagree about whether public justification requirements are genuine moral requirements. Estlund believes that the proper standard of "qualification" or idealization will demonstrate that qualified persons will accept public justification requirements, but in my view, this requires a standard of idealization that is too demanding.⁶ Andrew Lister defends a reply similar to Estlund's, though he roots his argument in a conception of reciprocity, where people genuinely interested in reciprocity will care about civic friendship with others, and realizing relations of civic friendship requires endorsing a shared reasons version of the public justification requirement.⁷ I believe Lister's argument has the same disadvantage as Estlund's: it supposes that reasonable pluralism will not apply to the acceptance of public justification requirements. But why think reasonable members of the public *must* understand civic friendship as implying a public justification requirement? There is, of course, more to be said, but I will not say it here.

My narrow aim in the paper is to show that the self-defeat objection fails. But this narrow aim helps realize a broader one. I believe that if we can reject self-defeat, we can free public reason liberals from certain misguided ways of conceiving of their research program. If the self-defeat objection is serious, some theorists may follow Estlund in accepting RR and satisfying it by restricting the justificatory public to those who already accept or affirm the liberal values out of which public justification requirements are thought to fall. But restricting the justificatory public has well-known disadvantages, such as making public reason more insular.⁸ By rejecting the self-defeat argument, we can show that public reason need not be as insular as its proponents or critics propose.

Worries about self-defeat may also lead us to limit the *processes* by which public justification can occur. Only through highly sophisticated dialogue could a public justification

requirement become justified for a member of the public. If the self-defeat worry is ultimately ungrounded, then we should feel freer to acknowledge that a variety of non-deliberative processes can also generate public justifications, providing further resources for creating a publicly justified polity.

I begin this paper by outlining the generic structure of public justification requirements and their mainstream versions (§ I). I then formulate the self-defeat objection that Wall applies to mainstream public reason liberalism and the reflexivity requirement that underpins the self-defeat objection (§ II). In (§ III), I argue that Wall has formulated RR too strongly. Once it is properly reformulated, we will see that cases of self-defeat will be rare, as members of the justificatory public will seldom employ public justification requirements as reasons, and when they do, such requirements will seldom be their sole reason for supporting some coercive action. I then turn to Wall's recent attempt to show that the Gaussian version of the public justification requirement is self-defeating (§ IV) and argue that it and a closely related argument offered by David Enoch share weaknesses with Wall's first self-defeat objection (§ V). I conclude (§ VI) that rejecting the self-defeat argument helps public reason liberals develop more inclusive accounts of the justificatory public and the processes through which public justification may be reached.

I. PUBLIC JUSTIFICATION REQUIREMENTS—GENERIC AND MAINSTREAM

Public justification requirements vary considerably, but they share a common foundation: respect for persons requires the public justification of coercion.⁹ If we assume, as most theorists do, that human beings are naturally free and equal in that no one is by nature subordinate to anyone else, we are limited in the ways we can permissibly coerce one another.¹⁰ To treat Reba with equal

respect, John cannot insist on coercing her because he thinks he has the "correct view" while recognizing that Reba rationally and reasonably believes otherwise. The only way for state coercion to be permissible, then, is if the laws on which the coercion is based can be accepted or endorsed by all concerned. Otherwise, John's attempts to coerce Reba are disrespectful and authoritarian.

A public justification requirement therefore specifies a conception of public justification that distinguishes respectful, equality-affirming coercion from disrespectful, authoritarian coercion. It classifies as respectful those laws that all have sufficient reason to endorse (publicly justified laws) and classifies as disrespectful those laws that some have sufficient reason to reject (unjustified or defeated laws). We can therefore characterize a generic public justification requirement as follows:

Public Justification Requirement: a coercive law L is justified only when each member of the public P has some sufficient reason R to endorse L .

Determining which public justification requirement to endorse requires specifying values for L , P , and R . The law L specifies the *object* of coercion. In my formulation, the thing to be justified is a law. But the Rawlsian public justification requirement holds only that "constitutional essentials" and matters of basic justice need to be publicly justified.¹¹ Members of the public P are, at a minimum, the set of persons to be coerced by the law. Members of the public are also *idealized* in that they are provided additional information and cognitive capacities in order to determine which reasons for action they justifiably affirm. Variable R specifies (i) what it takes for a reason to be "sufficient," and (ii) the scope of the set of justificatory reasons.

With regard to sufficiency, it is important to stress that while conceptions of sufficient reasons vary, they typically are reasons that *entitle* us to act rather than *require* us to act. If

I have sufficient reason to accept law *L*, then I am entitled to endorse it as valid, just, or good, or by assigning it some other pro-status. By being entitled to accept *L*, I make no rational error in accepting *L*. Sufficiency is no stronger than this. We do not need a reason to defeat all competitor reasons for it to be sufficient.¹² Even a stronger notion of sufficiency can accommodate one having multiple reasons to accept or reject a law.¹³ This point will become important below.

With regard to the scope of justificatory reasons, public reason liberals usually restrict the set of justificatory reasons to those that are evaluable by common evaluative standards. I have termed this public reason's "accessibility" requirement.¹⁴ Public reason liberals not only want laws to be justified to each person but also want the fact that they are justified to be in some sense public knowledge or able to be made public upon citizen inquiry. These "publicity" conditions are often built into the very idea of a public reason, though I think it wise to distinguish between a reason's publicity and its justificatory status.

The most common, or mainstream, public justification requirement includes two conditions: a *publicity* condition and an *acceptability* condition.¹⁵ The publicity condition holds that the justification for a law "must be one that can be understood and evaluated by others."¹⁶ The acceptability condition holds that the justification "must be one that can be reasonably accepted (or not reasonably rejected) by those to whom it is addressed."¹⁷ I can now formulate the mainstream public justification requirement:

Mainstream Public Justification Requirement: a coercive law *L* is justified when each radically idealized member of the public has sufficient shared/accessible reasons *R* for *L*.

Shared and accessible reasons requirements specify the acceptability condition, and since the reasons are shared and/or accessible, they can be made public, and so satisfy the

publicly condition.¹⁸ This is because reasons that all can share, or access, are ones that already are recognized as reasons by the public. Note also that the mainstream view idealizes heavily in virtue of assuming that members of the public have high if not maximal degrees of information and rationality.¹⁹

II. WALL'S SELF-DEFEAT OBJECTION

The key to the self-defeat objection, according to Wall, is that the reasons to endorse public justification requirements are also reasons to endorse RR. Wall formulates RR as follows: "the idealized counterpart of each political subject must have sufficient reason to accept a test of public justification if that test is to be relied upon in specifying the conditions under which the publicity condition is satisfied with respect to the justification of the set of political arrangements to which it applies."²⁰ Briefly, public justification requirements must be publicly justified. Wall relates RR to Gaus's definition:

A test *T* of acceptability in justificatory discourse *D*, that specifies requirement *Q* for all admissible arguments in *D*, must itself (that is, *T*) conform to *Q*.²¹

In this formulation, *T* stands for a public justification requirement and *D* stands for the discourse of public justification, the discourse where coercive laws are evaluated as publicly justified or not. Requirement *Q* represents a more specific constraint on the set of rationales or arguments that can be used in the discourse. To illustrate, suppose that *T* is a mainstream public justification requirement, *D* is the discourse of public justification in a contemporary liberal democracy, and *Q* may refer to a shared reasons requirement. The question posed by RR, then, is whether all citizens have shared reason to endorse the mainstream public justification requirement. Plugging in public justification requirements for acceptability tests, we can formulate RR as follows:

Reflexivity Requirement: a given public justification requirement must be publicly justified to be a genuine moral requirement.

If we are going to coerce people permissibly, RR holds that we can only do so on the basis of publicly justified public justification requirements.

A common reason to endorse mainstream public justification requirements is that they perform a “reconciling function” by reconciling persons to one another by means of being reconciled to a common political authority. Wall states:

Proponents of the [mainstream public justification requirement] maintain that in a fully legitimate political society each person would be reconciled to the political authority that constrains him. Each person, given his background moral beliefs, would have reason to cooperate voluntarily in the maintenance of this authority.²²

Thomas Nagel and John Rawls argue that the aim of public justification is “to realize some of the values of voluntary participation in a system of institutions that is unavoidably compulsory,” given that we cannot base social arrangements on actual consent.²³ Consequently, public justification marks “the outer limit of our freedom,” since it respects our ability to consent to political arrangements to the maximal feasible degree.²⁴ Thus, on public reason views, the only feasible way to reconcile people to one another is to ensure that “each person, given his background moral beliefs, has a good reason to affirm, or at least not oppose, this political authority.”²⁵ Such reconciliation “requires that some sincere intelligible justification be available for the coercive political authority” or a justification they can accept for restrictions on their freedom.²⁶

If we value reconciliation, Wall argues, we should also endorse RR. And this is because public reason liberals implicitly use public justification requirements to justify

coercion.²⁷ We are not entitled to assume “that people can be given a reasonably acceptable justification for coercive political authority, independently of whether they have been given a reasonably acceptable justification for the condition that legitimates it.”²⁸ Public justification requirements, for Wall, are components of the justification of much coercive authority. Briefly, the justification for a law and the justification for its justificatory test cannot be separated.

To see why, consider that public reason liberals often object to laws or policies on the grounds that the law or policy in question cannot be publicly justified. In doing so, public reason liberals claim that the fact that *a law cannot be coercively imposed* depends upon the fact that *coercion must be publicly justified*. In other words, we should reject a law because a public justification requirement obtains. Thus, Wall argues, public reason liberals implicitly employ public justification requirements in political practice. This is why the full explanation for the legitimacy of the law cannot be separated from its justificatory test. To see this more clearly, imagine people who object to a law are aware of the advocates’ rationale. The objectors could then raise the following complaint:

We can see that, *if we have reason to accept* [a public justification requirement], then this exercise of political authority would be publicly justified and therefore legitimate, but we do not have reason to accept [a public justification requirement], or the justification given for it is one that we can reasonably reject.²⁹

If the advocates respond by forcing the objectors to comply, then they coerce the objectors based on considerations those objectors cannot appreciate at the right level of idealization. They are therefore no longer reconciled to their fellows. However, if they don’t coerce, then they effectively deny that public justification permits them to coerce.

The self-defeat objection therefore holds that three claims are jointly inconsistent: (i) a public justification requirement, (ii) the fact of reasonable pluralism (specifically that some reasonable people reject public justification requirements), and (iii) RR, yielding:

- (1) State coercion is morally permissible only if it is publicly justified (public justification requirement).
 - (2) Some reasonable people reject the given public justification requirement; the public justification requirement is not publicly justified (empirical claim based on reasonable pluralism).
 - (3) The given public justification requirement must be publicly justified to be a genuine moral requirement (RR).
- (C) The public justification requirement is not a genuine moral requirement [(2), (3)].

If public justification requirements are not genuine moral requirements, then public reason liberalism is false. This is the self-defeat objection. To get Wall's first version of the objection, we need merely input the mainstream public justification requirement in (1) and defend (3) on the basis of the good of interpersonal reconciliation.

III. AGAINST THE FIRST SELF-DEFEAT OBJECTION

To respond to the self-defeat objection, I will deny premise (3), RR, by showing that Wall states RR too strongly. Recall that RR says that a given public justification requirement is a genuine moral requirement *only if* it is publicly justified. But Wall's arguments at best demonstrate a weaker claim, namely that a public justification requirement cannot be a genuine moral requirement if it is used *as a reason* to impose publicly *unjustified* coercion. The arguments Wall offers only hold if we're proposing to coerce people on the basis of a principle they reject or that they have no other reason to accept. It is true that we fail to be reconciled to one another if I coerce you on the basis of a public justification

requirement you reject, so long as the public justification requirement is a necessary basis for the coercion in your system of commitments. But I can still be reconciled to you if the public justification requirement in question is not publicly justified so long as I refrain from coercing you on the basis of the public justification requirement alone.³⁰ If I instead stick to coercing you on the basis of *other* sufficient reasons, then relations of reconciliation remain.

To put it another way, suppose that Maggie rejects a public justification requirement that defeats *L*, a law that bars the production of raw milk. Let's suppose that the public justification requirement defeats *L* because it is sensitive to the diverse reasons of those whose comprehensive doctrines permit or encourage the consumption of "pure" unprocessed food. Nevertheless, Maggie has some other sufficient reason to reject *L*, say, due to her belief that people have a natural right to consume whatever food they choose. In that case, public justification could still perform its reconciling function because the legalization of raw milk can be publicly justified to her based on other sufficient reasons, specifically her belief in universal natural rights. In this way, the public justification requirement does not enter into Maggie's determination that the law is defeated, but the public justification requirement still applies in defeating the law.

In contrast, consider a case where a public reason liberal were to insist, say, that public reason be taught in public schools. She does so on the basis of the belief that a public justification requirement on the imposition of coercive laws is a true and important part of the true theory of justice. In this case, the public justification requirement enters into the public justification of a law or regulation in a direct way, and there is probably no alternative sufficient reason to support such a program. But, in Maggie's case, there is a clear sense in which the ban on raw milk is

defeated for Maggie because the ban fails the public justification test without reference to a public justification requirement.

The only case where public reason cannot perform its reconciling function is when Maggie has a defeater for *L* on *no other sufficient basis* than a public justification requirement, and she either rejects the public justification requirement or remains neutral with respect to public justification requirements. Assuming these conditions hold, Wall still cannot conclude that the self-defeat objection is successful. To succeed, Wall must show that the defeat of a public justification requirement in particular cases will undermine the justification of *critically important* laws. Here, I'm imagining laws that are essential for the operation of the social and political order, such as laws protecting basic rights. If public justification requirements can't perform their reconciling function only for rather minor laws, such as a set of regulations on smartphone marketing, or bans on the production of raw milk, then we would do better to simply reject such laws than to give up public justification requirements. We will only have a problem if we must give up important laws.³¹

So we should weaken RR:

RR*: a public justification requirement cannot be a genuine moral requirement if it is defeated by or publicly unjustified for some reasonable people when the requirement is necessary for publicly justifying a critically important law *L*.

RR* is much weaker than RR. Wall's claim can be reinterpreted via RR* as follows: if a group of people reject public justification requirements as reasons (which Wall thinks is routinely implied by citizens' rational commitments), and if an important law can only be legitimate for them on the basis of endorsing public justification requirements, *then* the law cannot be publicly justified. But meeting these conditions is no easy matter, as I shall show below.

Now notice that the combination of RR*, premise (1), and premise (2) no longer yields the self-defeat objection. The only way to yield the self-defeat objection is to alter premise (2). The alteration must look something like this (now as 2*):

(2*) Some reasonable people reject a public justification requirement in cases when it is necessary for publicly justifying a critically important law *L*.

I won't specify a particular example for *L*, though laws protecting basic rights are good cases. I invite readers to simply input whatever law they think is critically important for a publicly justified polity to function. But remember that the law must be *so* critically important that it provides more reason to reject the public justification requirement than to accept that the law cannot be legitimately imposed.

I find it difficult to produce an example, since any sufficiently important law would not be reasonably rejectable, given plausible accounts of idealization. The fact that the law is important strongly suggests that many different qualified points of view will recognize the law as important. Moreover, if the law is critically important, its public justification shouldn't depend on the truth of a public justification requirement; it should depend on reasons derived from the same factors that lead people to endorse basic rights, such as the importance of bodily integrity, avoiding significant harm, etc. These observations alone should give us pause about the self-defeat objection, but I shall not pursue either point further.

Instead, let's focus on the nature of the group that purportedly rejects a public justification requirement. First, all members of the group must be reasonable. Without depending on a thick, substantive notion of reasonableness, we can safely assume that reasonable persons cannot reject public justification requirements based on, say, racial

animus or culpable ignorance. Second, the group must be sizeable. If only one person rejects a public justification requirement in the relevant cases, the self-defeat objection is not terribly pressing. We merely need to figure out an alternative method for handling that one individual. Abandoning public reason liberalism would be the wrong response to a single case.

We now have a new self-defeat argument (with RR* as 3*):

- (1) State coercion is morally permissible only if it is publicly justified (public justification requirement).
- (2*) Some reasonable people reject a public justification requirement in cases when it is necessary for publicly justifying a critically important law *L*.
- (3*) A public justification requirement cannot be a genuine moral requirement if it is defeated by or publicly unjustified for some reasonable people when it is necessary for publicly justifying a critically important law *L*.
- (C) The public justification requirement is not a genuine moral requirement [(2*), (3*)].

I will now question (2*).

For premise (2*) to hold, five conditions must obtain in the context of a proposed coercive law: (i) The group of reasonable people must have *views* at the right level of idealization about public justification requirements in the relevant cases; (ii) the group must have sufficient reason to reject, at the right level of idealization, the relevant public justification requirement; (iii) the coercive law proposed must not be able to be publicly justified on any *other* basis than those that include the endorsement of the relevant public justification requirements; (iv) the coercive law must be sufficiently necessary; and (v) the group of reasonable people cannot be trivially small.

Condition (i) is probably not satisfied for many significant real world members of the public. In the vast majority of cases, persons

will have no view about the proper public justification requirement because only a small fraction of them have even heard about public justification requirements, and fewer still accept them. What's more, they must have sufficient reason to reject not only public justification requirements in general, but the specific requirement in question. Given that they are unlikely to have views about *any* public justification requirements, they are presumably even less likely to have well-developed objections to those requirements; so much for condition (ii).³² Turning to condition (iii), we must suppose that some members of the public endorse important policies with the relevant public justification requirement as a necessary basis. If they have sufficient alternative reasons to support the proposed coercion, then their views on public justification requirements are irrelevant. As long as I have sufficient reason to endorse a law, it is publicly justified for me—regardless of whether I reject other reasons to endorse the law. Thus if there are alternative reasons, public justification requirement-based reasons become justificatory spare wheels. And, in many cases, our commitments to various policies are many.³³ Condition (iv) requires that the law in question be critically important. But the set of such laws is at best a small subset of proposed laws, no matter how one fills out the set. The law must be so important that it would be rational for one to reject public reason rather than hold that the law is illegitimate or ought not to be enforced, and that this law, *despite being critically important*, is not recognized as such by the relevant members of the public. Even for public reason skeptics, this is a significant hurdle. Condition (v) holds that the group of relevant members of the public cannot be trivially small. But I suspect that the diversity of views among members of the public—their diverse reasons and the widespread ignorance of the details of public reason, even among political philosophers—guarantees that the

relevant group *will* be trivially small. So I conclude that premise (2*) is false.

Before proceeding, I will consider a potential response by Wall. In a paper advancing the self-defeat objection against Gaus's alternative account of public reason, Wall argues that public reason liberals are committed to the claim that public justification-reasons must figure into public justifications in some regular fashion.³⁴ This is because the case for a public justification requirement is "an indispensable component of the *full explanation* of why [some legal] arrangement is publicly justified."³⁵ To explain why a legal arrangement is legitimate, we must appeal to the truth or reasonableness of a public justification requirement. To illustrate his point, Wall offers us the case of the Reds vs. the Greens. The Reds and the Greens both care about whether a law is publicly justified, but they disagree about the proper form of a public justification requirement (not whether any such requirement holds), and so disagree about what counts as a justificatory reason. Consequently, each party only consults their own understanding of public justification when evaluating a law. Sometimes those tests yield different verdicts.³⁶ For Wall, the problem is that the Reds and Greens, given their commitment to public justification, cannot claim that either is the sole authority on what is publicly justified because to do so, they would have to claim that it is their own commitment or "private conscience that gets to fix the content of publicly justified morality."³⁷ The Reds and the Greens are therefore no longer reconciled to one another.

To clarify the case, imagine that the Reds support a version of public reason that has much more egalitarian implications for distributive justice than does the version backed by the Greens. We might think of the Reds as Rawlsian egalitarians and the Greens as Gaussian classical liberals. The Greens think each law must be justified to

all persons given the full panoply of their reasons; accordingly, few laws are publicly justified. The Reds think only constitutional essentials and matters of basic justice must be publicly justified on the basis of shared reasons, which allows many policies to be justified simply by being consistent with constitutional restrictions. Perhaps, then, the Red view requires more egalitarian policies. In the real world, this leads the Greens and the Reds not only to support different economic policies, but also to often view the policies of the other as unjustified. Both sides believe they have respected public justification, but they appear to be at a justificatory standstill. The only way to move forward is to act on their respective private judgments. So in the example of the Reds versus the Greens, the full case for either group's law depends on the validity of arguments for adopting their preferred public justification requirement. For this reason, we have reason to endorse a reflexivity requirement. Wall thinks that this is true for his version of the reflexivity requirement, but let's assume that his argument can be taken to support RR*.

My response is that Wall has merely shown that there is one possible case where a policy dispute on some important matter depends on appealing to public justification requirements as reasons, and cannot be settled in any other way. Wall does not address the possibility that the Reds and Greens can be reconciled to one another on some other basis.³⁸ Perhaps they could appeal to other reasons, say, economic arguments that their preferred arrangement would better promote human welfare by better promoting social coordination.

I conclude that Wall's first self-defeat objection fails.

IV. THE GAUSSIAN PUBLIC JUSTIFICATION REQUIREMENT

I will now show that Wall's self-defeat objection fails to refute the most prominent alternative to the mainstream approach, the

Gaussian view. Gaus rejects shared and accessible reasons requirements: almost any reason that is epistemically justified for the person who affirms it can figure into the public justification for a law. Consequently, different persons affirm distinct and competing justificatory reasons, given that what is epistemically justified for a person is relative to her experience and evidence.³⁹ So Gaus rejects what Wall terms mainstream public reason liberalism's "acceptability requirement": justificatory reasons need not be mutually acceptable. Gaus also adopts a weaker publicity condition. Rationales or reasons need not be public. All that need be public is the fact that the rule or law in question is justified. Members of the public need not know all the reasons that can justify a law, though they must appreciate their own. Finally, Gaus rejects radical idealization, opting for moderate idealization. Members of the public are not taken to be fully rational and informed, but rather to have the capacity and information to engage in a "respectable" amount of reasoning.⁴⁰ Consequently, we can characterize the Gaussian public justification requirement as follows:

Gaussian Public Justification Requirement: a coercive law *L* is justified only when moderately idealized members of the public have sufficient intelligible reasons of their own to accept *L* and recognize *L* as justified.⁴¹

By lowering the level of idealization, broadening the set of justificatory reasons, and weakening the publicity condition, Gaus allows far more reasons to play a justificatory role. Since justificatory reasons can support or *defeat* coercion, Gaus acknowledges a wider array of defeaters. This is one explanation for why Gaussian public reason has a "classical liberal tilt" insofar as it allows for the defeat of far more laws than public reason liberals typically allow.⁴² For this reason, Gaussian and mainstream public justification requirements diverge on many matters.

Wall's argument that Gaus must adopt RR is similar to his argument that mainstream public reason liberals must adopt RR: the same rationale that favors a public justification requirement also favors RR. In the mainstream case, the rationale is the reconciling function but, in Gaus's case, the rationale is the "aspiration to avoid moral authoritarianism in social and political life."⁴³ Only a publicly justified polity "fully respects the moral equality of political subjects."⁴⁴ Unless a law can be justified to those imposed upon, the law's advocates in effect claim "to be superior judges of the demands of political morality" and so deny that "they have equal standing to interpret the demands of political morality."⁴⁵ The Red-Green case serves well here. Again, suppose the Reds and Greens have distinct justificatory tests, and have political differences based on their tests. Due to reasonable pluralism, they cannot settle on a single test and are left at a justificatory standstill, with no options but to coerce without public justification. In this case, they will not realize the aspiration to avoid moral authoritarianism in politics.

V. AGAINST THE SECOND SELF-DEFEAT OBJECTION

The problem with the second self-defeat objection is the same as the first: it relies on a broad formulation of RR that, when properly qualified, cannot substantiate the self-defeat objection. This is easy to see once we recognize that my reply to the self-defeat objection does not depend on which foundation for a public justification requirement we adopt—reconciliation or avoiding authoritarianism—or the form of the public justification requirement we adopt—mainstream or Gaussian. In both cases, we have no reason to endorse premise 2* even if we adopt premise 3*. Appealing to the anti-authoritarianism rationale for the Gaussian public justification requirement changes nothing.

In fact, Wall's argument is easier to rebut on Gaus's view for three reasons. First, moderately idealized members of the public are less likely than their radically idealized cousins to adopt public justification requirements as the basis for their political advocacy. It might be the case that radically idealized members of the public would often endorse public reason liberalism, but it is far less likely that moderately idealized members of the public would. Second, Gaus allows a great many private reasons to play a justificatory role. One of the most serious strictures that public reason liberals place on public justification is that people must use public reasons as their primary source of justificatory arguments. This stricture might lead members of the public to wonder why such restraints on reasons exist (such as religious citizens wondering why they must use secular reasons), which may in turn lead them to accept or reject public reason liberalism. But the Gaussian view does not raise this problem. Diverse reasons allow for many bases of public justification. Finally, Gaus does not require full publicity, so the rationale for policies need not be made public knowledge, which will raise even fewer questions about the ground for various laws and policies, and will leave members of the public still less likely to find that their rationales for their policies are rooted in a public justification requirement.

Enoch has recently argued that Gaus cannot deny that the public justification requirement applies to itself since "the rationale for his account . . . applies also to itself."⁴⁶ Here, Enoch echoes Wall, but he takes the argument in a different direction. For Gaus, addressing publicly unjustified moral demands to others is objectionably authoritarian. At the root of his account of public reason is the claim that we must not merely publicly justify coercion, but publicly justify our insistence that others comply with our interpretation of moral requirements that we issue in the form of moral demands. So

Enoch wonders whether Gaus uses his own public justification requirement to address moral demands to others. If so, then the Gaussian public justification requirement can only be used in a non-authoritarian manner if those Gaus addresses accept the requirement. Enoch claims that Gaus uses his public justification requirement in this way: "For Gaus most certainly does rely on his public-reason account in order to address requirements at others." If someone insists on making a publicly unjustified demand, then "Gaus will criticize me, he will perhaps blame me, he will require that I not do so." And this leads to an obvious question: "But then how can he do this—consistent with what he says about such address . . . without acknowledging that it must be the case that I have sufficient reason . . . to endorse [his public justification requirement]?"⁴⁷ So Gaus thinks that the public justification requirement itself generates requirements, "which means that it must (on pain of objectionable ad hocness) apply to itself." And since some people have sufficient reason to reject Gaus's public justification requirement, the self-defeat objection succeeds.⁴⁸

Enoch's objection appears distinct from Wall's because he focuses on the claim that *Gaus himself* uses the public justification requirement to issue requirements to others. Enoch does not say this, but Gaus does appear to use his account of public reason to chastise political philosophers. Consider Gaus's words: "Ensnared in his study, the philosopher arrogantly assumes the role of moral legislator, telling us all what is required for true moral authority."⁴⁹ If even Gaus uses the public justification requirement to make moral demands of others, such as his (putative) demand that moral philosophers stop imposing their sectarian philosophical ideals on others, then Enoch could argue that part of the point of the public justification requirement must in fact *be* to issue moral requirements.

Given the foregoing, Gaus has two easy replies. First, he can note that he doesn't use the public justification requirement to issue moral demands. Instead, his criticism of philosophers is a criticism of their characters or attitudes. Gaus can allow that such judgments are informed by standards outside public reason.⁵⁰ Second, Gaus can argue that his condemnation of others may *for him* be based on his public justification requirement, but that those on whom he makes demands have *other reasons* to endorse those demands. Gaus is perfectly entitled to use his public justification requirement to issue demands so long as others have *some* sufficient reason to endorse the demand in question. Enoch will likely reply that there *are* no other reasons to accede to such moral demands. But then the dispute moves beyond questions of self-defeat to the question of what persons' reasons are.

VI. PUBLIC REASON BEYOND REFLEXIVITY

The self-defeat objection fails because the arguments for self-defeat rely on an implausibly strong version of RR that when weakened, applies to a very small number of individuals and a relatively unimportant set of laws. If we adopt a suitably weakened reflexivity requirement, RR*, Wall cannot generate self-defeat without making implausible empirical claims about the nature of reasonable persons who have non-public-justification-requirement-based reasons to accept critically important law.

Allow me to conclude then with some thoughts about moving public reason beyond reflexivity. The first point is that the constituency of public justification need not be restricted to those individuals who accept a public justification requirement, which makes public reason considerably less insular. Second, and as a result, we can be more ecumenical about the processes used to achieve public justification, as public justifications need not consist in the rather cerebral considerations that lead to the endorsement of public justification requirements. Thus, we can identify social mechanisms for achieving public justification that other public reason liberals frequently ignore.⁵¹ For instance, we can appeal to social evolution to coordinate individuals on norms that they have sufficient reason to accept without requiring that the process of social evolution be publicly justified.⁵² In addition, RR would imply that the use of evolution must be publicly justified, which would likely lead to its defeat. Without RR, social evolution is an available justificatory mechanism, as we don't have to publicly justify the use of social evolution, save in an extremely restricted and abstract set of cases.

In light of these implications, we can begin to outline a public reason of the social process or a kind of *public process* liberalism, where we can appeal to diverse social mechanisms to reach the grand social state of standing in publicly justified relations with our fellows.

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NOTES

Thanks to Chad Van Schoelandt, Andrew Lister, Jonathan Quong, Jerry Gaus, Dan Waxman, and a host of anonymous referees for their comments on earlier drafts of this paper.

1. Rawls (2005, p. xvi).
2. Critics admit the possibility of a society where some public justification requirement is publicly justified, but argue that in the large majority of possible free societies, that is not the case.

3. For criticism of the mainstream version, see Wall (2002). For criticism of the Gaussian version, see Wall (2013). Enoch has recently run a very similar argument against Gaus. See Enoch (2013, pp. 170–173).
4. Estlund (2008, p. 53); Gaus (2011, pp. 225–228). Though, see Quong (2011, pp. 239–242).
5. Gaus (2011, p. 228).
6. Vallier (2014), In chapter 5, I argue against these more radical forms of idealization.
7. Lister (2013, p. 127).
8. Cf. Van Schoelandt (2015, sec. III).
9. There are exceptions, however. See Lister (2013, especially chap. 5) and Van Schoelandt (2015). Gaus argues that the most fundamental public justification requirement delineates what makes for a publicly authoritative moral rule. The principle prohibiting certain forms of state coercion is derived from this more fundamental requirement. See Gaus (2011, p. 263). Since the large majority of public reason views focus on the justification of coercion, I shall continue that focus here.
10. Public reason liberals disagree about the number of argumentative steps between our natural freedom and equality and a public justification requirement.
11. Rawls (2005, p. 10).
12. An anonymous referee helpfully pointed out that Wall’s self-defeat objections might be on stronger grounds if we adopted a stronger notion of sufficiency, say, that reasons to support a law must be conclusive, as in defeating all alternatives and requiring some particular action. So it is crucial to be clear about this weaker notion of sufficiency up front.
13. So long as we can support a law or reject a law for multiple valid reasons, my arguments should be “enough” to show that Wall’s self-defeat objections are unsuccessful. I thank an anonymous referee for encouraging me to stress this point.
14. Vallier (2011).
15. Rawls’s liberal principle of legitimacy is the most prominent example. Rawls (2005, p. xliv).
16. Wall (2002, p. 385).
17. *Ibid.* (p. 386).
18. For standard definitions of these requirements, see Vallier and D’Agostino (2012, sec. 2.3).
19. As we have seen, Estlund idealizes so much that all qualified members of the public endorse a public justification requirement.
20. Wall (2013, p. 164).
21. Gaus (2011, p. 227). Gaus is addressing Estlund (2008, p. 53) here.
22. Wall (2002, p. 387). Wall’s term “PJP,” meaning “public justification principle,” has been replaced with my term “mainstream public justification requirement.”
23. Nagel (1991, pp. 33–34).
24. Rawls (2005, pp. 49–50).
25. Wall (2002, p. 387).
26. *Ibid.*
27. *Ibid.* (p. 388).
28. *Ibid.* (pp. 388–389). The text implies that Wall’s self-defeat claim should be interpreted strictly, as the claim that the reasons that favor a mainstream public justification requirement also favor endorsing

RR, which in turn implies self-defeat. We are not dealing with a looser objection, where the values underlying public justice requirements may be generally in tension with applying it in cases where public justice requirements are not themselves publicly justified. I thank an anonymous referee for pushing me to consider a looser interpretation of the objection.

29. Wall (2002, p. 387).

30. And such cases will be fewer than the number of instances where political liberal philosophers vote.

31. One might complain that this “problem” is not one of self-defeat, but the fact that the failure to justify critically important laws is problematic for public reason liberalism will support key premises 2* and 3* in the self-defeat argument.

32. I do not mean to imply that people can be coerced if they have no reason to endorse a law and no reason to accept it. The default position is that in the absence of sufficient reasons, one may not be coerced.

33. As Gaus notes, “our usual epistemic situation is one of too many, rather than too few, reasons” (1996, p. 225).

34. This explains why the Red-Green case is relevant both to assessing Wall’s objection to Gaus and his objection to the mainstream view. See Wall (2013, p. 165).

35. Wall (2013, p. 6; emphasis added).

36. I assume here that the Reds’ and Greens’ respective attempts to justify their tests to one another fail.

37. Wall (2013, p. 166).

38. Unless, of course, we simply *define* the Red-Green case as one where there are no other bases for reconciliation. But then the Red-Green case is much less likely to correspond to any real-world example, rendering it a poor illustration of Wall’s argument.

39. Gaus (1996, pp. 38–44); Gaus (2011, pp. 244–258).

40. Gaus (2011, pp. 254–258).

41. I should stress that for Gaus, the public justification of coercion is derived from the public justification of moral authority.

42. Gaus (2011, pp. 521–528).

43. Wall (2013, p. 160).

44. *Ibid.* (p. 163).

45. *Ibid.*

46. Enoch (p. 172).

47. *Ibid.*

48. *Ibid.* Enoch goes on to speculate that Gaus might reply by arguing that all non-psychopathic members of the public have sufficient reason to endorse his public justification requirement at the right level of idealization. But, in conversation, Gaus denies that this is his strategy, so I set this line of argument aside.

49. Gaus (2011, p. 549).

50. I thank Chad Van Schoelandt for this point. For a discussion of different standards of moral evaluation, see David Shoemaker (2013).

51. For an explicit analysis, see D'Agostino (2013).
 52. Gaus (2011, pp. 400–409).

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