The theory of public reason assumes a social condition of permanent pluralism and requires that public decisions be justified to all qualified parties. Because of this feature, public reason is a procedure of conflict containment. In its traditional form, its strategy consists in separating the conflicting worldviews from public decision making. The focus of public justification is on public values and principles, i.e. shared values on which ground the participants justify to each other public rules. It is not a procedure of conflict management (people engaged in public reason are united by civic friendship and cooperate, although divided by worldviews, and, therefore, are not inimical to each other), nor a procedure of conflict resolution (the background supposition of public reason is that people will always be divided by conflicting worldviews). The traditional form of public reason goes together with some notions intended to strengthen stable social cooperation, like the duty of civility and like the duty of sincerity (Zelič, 2012). The duty of sincerity implies that citizens are sincere when they justify public norms to each others. Such a notion is intended to support civic friendship among citizens frequently deeply divided by their worldviews.

Some criticisms say that the structure of public reason based on shared values is more divisive than it would be a form of social cooperation that allows the possibility for each to make use of all the reasons that she endorses in the process of public justification of norms. In debates internal to public reasons philosophers, this is the source of division among those who endorse the consensus view (public justification is based on shared reasons) and the convergence view championed by Gerald Gaus (public reason is based on the convergence of reasons and different evaluative standards).

My position, that I am not going to defend in this paper, is that public reason must be based on shared reasons as the core of justification. But the convergence strategy is allowed, as well, as an additional strategy that helps when shared reasons are not sufficient. This is particularly important in the case of justification to citizens who do not endorse the shared reasons, or claim that shared reasons has not an overriding status in public justification (usually called in the debates as
‘unreasonable’). In so far as unreasonable citizens are concerned, many say, as it would be said in the present terminology, that public reason in the consensus view ceases to be a form of conflict containment and becomes a form of sectarianism. I agree with the claim that public reason in its consensus form has a problem with unreasonable people. But it can continue to be a form of conflict containment even with unreasonable people in virtue of two resources. First, it is allowed to unreasonable citizens to enjoy of the same protection of rights as is the case with reasonable citizens. Second, it is possible to try to develop arguments with them based on specific justifications to them. This is done with the extension to the convergence structure of justification as an additional resource.

Jonathan Quong, however, has put forward a powerful objection to any kind of employment of the convergent structure of justification. He says that convergent justification is incompatible with the principle of sincerity. This is a serious problem, because, as I say above, sincerity is one of the main supports of public reason as a conflict containment strategy. I try to show that the employment of convergent justification that I defend is not opposed to the principle of sincerity.

2. Quong says: “Sincerity requires that we not support or advocate laws when we do not sincerely believe they can be justified to others, regardless of what those others may themselves believe” (Quong, 2008, 3). One of the reasons for supporting the sincerity requirement, according to Quong, is that it distinguishes public justification from rhetoric or manipulation. In the specification of the sincerity argument, Quong says that there is nothing uncontroversial in saying “I don’t adhere to your doctrine myself, but I believe that your doctrine clearly supports a commitment to rule X”, but the controversial point is the claim “I believe your doctrine clearly supports a commitment to rule X, and I believe you are justified in believing the relevant part of your doctrine” (Quong, 2001a). If A is not able to endorse this claim, A cannot sincerely believe that B’s endorsement of X satisfies the principle of justificatory sincerity, i.e. A cannot sincerely believe that X is justified to B. Here Quong is opposed to what Gaus says about justification, i.e. that it is path-dependent and what is a defeater in A’s system of beliefs is not a defeater in B’s system of beliefs. As a consequence of this conception of justification, Gaus’s view is moderately relativistic. What can be justified to one person, can be not justified to another person. Moreover, a crucial aspect of Gaus’s view on justification is that a standard of justification can
be a source of justification, without being justified itself (Gaus, 1996; Gaus, 2011). This is refused by Quong in his opposition to the convergence view. Only justified standards of justification can be sources of justification.

Schematically, this is Quong’s basic argument:

1. Convergent justifications amongst people adhering to different comprehensive doctrines can only be made consistent with PJS [principle of justificatory sincerity] provided each person involved sincerely believes that the other people involved are justified in adhering to their different comprehensive doctrines.
2. The belief required in (1) is generally not possible unless citizens accept certain epistemological or axiological doctrines (e.g. Gaus’s).
3. The fact of reasonable pluralism means we cannot and should not expect citizens in a liberal society to adhere to any particular epistemological or axiological theory.
4. Therefore, as a general rule, we cannot expect convergent forms of justification to be consistent with PJS in a liberal society” (Quong, 2011, 272).

Quong thinks that Gaus avoids the conclusion of this argument by renouncing to the condition in (1), i.e. to the justification requirement, and by substituting it with the intelligibility requirement. In my opinion, Gaus has always followed the same concept of justification, as, for example, in his book Justificatory Liberalism (Gaus, 1996). In his epistemological view, some reasons may be not justified, but be justificatory reasons at the same time. In order to serve as justificatory reasons, it is sufficient that such basic standards of justification are intelligible as justificatory reasons. But, says Quong, the appeal to such an epistemology in public justification is not permitted in virtue of reasonable pluralism: there are reasonable people who do not endorse this concept of justification, like, for example, externalists. Insisting on justification by convergence, as a consequence, has a high price. Either it is required to renounce to PJS and be engaged in public justification with insincerity, or it is needed to renounce to public justification and say that all views are legitimate simply because they are intelligible, even when they are not justified. In the latter case, as Quong says, Gaus renounces to his commitment for an order of public reason and opts for an order of public intelligibility (Quong, forthcoming).

I think that it is possible to reformulate the use of justification from converge in order to avoid Quong’s objection. In my answer, I depart from Gaus’s formulation.

The important premise of my argument is that the context of the present discussion is determined by the endorsement of the ideas of agents as free and
equal, of burdens of judgment and of reasonable pluralism. In virtue of the burdens of
judgment and of reasonable pluralism, it is not to be expected that agents will have
equal standards of justification. Moreover, it is to be expected that they will be
distinguished by plural evaluative standards. But every person is entitled to follow her
standards of justification, in so far (like I endorse from the consensus view) as they
do not conflict with what is justified by shared reasons related to the foundational
commitments of liberalism, i.e. to the common standards of justification of reasonable
citizens (the idea of society as a fair system of cooperation among equals and
reasonable pluralism, as well as the three main principles of liberalism). As Samuel
Freeman remarks, it would be unreasonable to “not normally accept or tolerate
people’s affirming and acting on the particular beliefs that provide them with reasons.
Persons and principles of justice are unreasonable in so far as they do not tolerate or
accept that false beliefs can provide others with good reasons for acting. […] To
insist that others cooperate with you only on grounds and for reasons which you
believe are true is the paradigmatic case of an unreasonable person. […] Respecting
others as persons and as citizens involves allowing them to non-coercively decide
their values and (within limits of justice) act on their chosen ways of life. This moral
requirement implies a duty to allow others to make their own mistakes of judgment
and action, and, within limits of justice, act on their false beliefs as well” (Freeman,
2004, 2037, 2042).¹

So, it is possible for reasonable Betty to offer to unreasonable Alf this
justification:

1. You are entitled to follow your standard of justification Σ in every case when there
   is not a successful defeater for the reasons that it justifies.

This may be a common premise for Betty and Alf. Betty accepts such entitlement in
virtue of her adherence to the fundamental liberal commitments. Alf thinks that he is
entitled to follow his standard of justification Σ, otherwise it would not be possible to
explain why he endorses Σ. There are differences in the reasons why Alf and Betty
endorse Σ, but I think that this does not represent a problem. If the justificatory
consensus on premises would have to be so deep, there would be problems with the
justification of shared reasons among reasonable people, as well. Even in their case,
it is left to each individual to look by himself/herself for his/her justification of the

¹ To be sure, Freeman’s quotation, in his paper, is not intended as part of a support of any kind of
justification from convergence.
shared reasons. In fact, below, in the discussion of the endorsement of the shared reasons, I try to show that a weaker conception of justification than Quong’s is needed, but I skip on the details here.

For the sake of sincerity, Betty must explicitly declare to Alf the qualification that she thinks that he is entitled to follow his standard of justification Σ in every case when there is not a successful defeater for the reasons that it justifies. Alf may think that there are no such defeaters if he thinks that Σ provides indefeasible justification, but I do not see why this is a reason for him to stop Betty’s argument at this point, and to not let Betty to develop her argument and, if she wants so, to try to find a defeater for some of the reasons sustained by Σ later. In the hypothetical case that I describe, Alf expects that all such possible challenges will be unsuccessful, but there are no reasons to debate about this at this point of the argument.

(2) The standard of justification Σ sustains rule R.
As a hypothesis, in order to exemplify the argument from convergence.

(3) R is justified to you if there is not a successful defeater for it.
Premise (3) follows from (1) and (2).

(4) There are no defeaters of R.
As a hypothesis, in order to exemplify the argument from convergence. Alf can endorse (4) in the hypothetical case if he thinks that R is a pro tanto rule and there are no available defeaters in his standards of justification, but in the case that he takes R as an absolute rule, as well, because in such a case for him the possible defeaters of R are an empty set. Betty can endorse (4) because, in the hypothetical case, R converges with the liberal standards of justification.

(5) R is overall justified to you.
This seems to me as a case of sincere justification, where no controversial epistemology is implied.

One may say that in my defense of justification from convergence as an addition to justification from consensus I have simply reformulated Rawls’s justification from conjecture (Rawls, 1999). Let it be. The basic thing in my discussion is to show why a citizen, Betty, who reasons with an unreasonable citizen, Alf, on the base of his evaluative standard could be insincere. It appears to me that my explanation is sensibly more concessive that what Quong admits in his position toward reasoning from conjecture.
As he says, “reasoning from conjecture can be consistent with the PJS [only] if Betty believes there are sufficient shared reasons for rule X, but she also believes Alf’s unjustifiable comprehensive doctrine supports X, then I think she can engage in sincere reasoning from conjecture with Alf where she tries to show him his own doctrine commits him to X (but she probably ought to publicly articulate the shared reasons too if we believe in a strong publicity condition).” (Quong, 2011a)

If I understand correctly him, Quong refers to cases like in his (Quong, 2012) and Gaus’s (Gaus, 2012) dispute of cases where citizens endorse shared reasons that support a rule R, but some of them (championed by, let’s say, Alf) endorse additional reasons that speak against R. In such a case, the reasonable citizen Betty, who endorses R on the base of shared reasons, may engage in reasoning from conjecture with Alf, in the attempt to show him that his basic evaluative standard commits him to endorse R, exactly the rule that is sustained by shared reasons.

The condition of shared reasons put forward by Quong for the legitimacy of reasoning from conjecture is clearly exclusive in several cases of reasoning from conjecture with unreasonable people. Only reasoning from conjecture with, let’s say, semi-unreasonable citizens (those that share reasons with the reasonable, but don’t think that they are always overriding) is saved. For the reasons indicated above, I think that such exclusion is not supportive of the requirements of stability and I hope that I have shown that there are no reasons based on PJS to endorse such a restriction.

Maybe it is worth deserving to question whether Quong’s limited acceptance of reasoning from conjecture is exclusive in another case, i.e. in the case of disagreements in the understanding of the content of public reason (for example, in the understanding of the foundational ideas of society as a fair system of cooperation between free and equal citizens), or principles that protect some freedoms, which interpretation is inconclusive in virtue of their generality. I am not able to say whether, for Quong, in the case of agreement on the general formulations about freedom, equality and fair society, but disagreement on their understanding, there are sufficiently shared ideas in order for reasoning from conjecture to be legitimate, or this condition is not present.

To be sure, the problem of limiting the resources of reasoning from conjecture that I am pressing here, in particular with unreasonable people, is not immediately an issue for Quong, in virtue of his internal conception. But, as I have tried to show in
virtue of the requirement of stability, unreasonable people deserve specific care even in an idealized liberal society, as that pictured by Quong.

3. I indicate now two concerns related to Quong’s four step argument that appeals to the strong concept of justification and the PJS. The two issues that I indicate are meant to question whether Quong’s strong concept of justification is appropriate for political liberalism, or it must be replaced by a more permissive concept of justification. First, it appears to me that Quong’s sincerity argument could be a threat to the proposals of several Rawlsians that endorse the shared reasons / consensus view of public reason, as well as to Rawls’s himself. As Rawls says, the freestanding argument for principles of justice (the argument related only to premises characteristic of public political culture of democratic societies and free from controversial premises of comprehensive doctrines) is only pro tanto justified. In order to obtain full justification, each qualified person must put in coherence her view with her comprehensive doctrines. Public justification is obtained when this is done by all qualified persons (Rawls, 1996, 386-388). This is, in fact, a form of convergent justification and it is liable to the same objection raised by Quong to Gausian convergence view.

I skip on the issue of how Rawls and various Rawlsians can deal with this proposal and I will focus on Quong’s reply. In Quong’s view, no role is played in public justification by comprehensive views.

But there is a problem, nonetheless. Quong says: “The alternative view that I have offered [the internal conception] does not present the freestanding argument – the move from the fundamental ideas to the general liberal principles – as a pro tanto justification which then depends on an overlapping consensus in order to achieve a full or public justification. Because the freestanding argument builds on certain fundamental ideas that are already assumed to be the subject of an overlapping consensus amongst reasonable people, the conclusions of the freestanding argument should be taken as fully justified to all reasonable persons. Reasonable persons are already assumed to have their own comprehensive or otherwise non-

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2 For example, Stephen Macedo says that reasonable citizens will be ready to adjust the freestanding justified conception of justice in order to render it acceptable to reasonable fellow citizens who endorse various comprehensive doctrines (Macedo, 2010).

3 One of the problems is raised by Micah Schartzman (Schwartzman, http://publicreason.net/2011/03/07/opr-v14-part-2-sincerity-and-shared-reasons/).
public reasons for endorsing the fundamental ideas, and thus the free standing argument requires no further justificatory support" (Quong, 2011, 186). The possible problem is that even if all citizens rely in public reasoning on ideas and principles assumed to be the subject of an overlapping consensus amongst reasonable people, some of them endorse these ideas and principles by relying on what others take as unsound justificatory reasons. As Quong accepts similarly to Rawls, the comprehensive or otherwise non-public reasons, endorsed by citizens, can be in an epistemological bad shape. This seems to me as a possible problem, in accordance with the strong conception of justification that Quong endorses in his use of the PJS in opposition to the convergence view. If we accept the strong view of justification, it appears the same dilemma that Quong puts forward to Gaus’s convergence view: either some qualified members of the constituency are not sincere toward other members of the constituency (and think that others are not justified in endorsing the fundamental liberal commitments), or they endorse a controversial epistemology or theory of reasons. Everybody participates in the project of building or sustaining a liberal society with others in virtue of their common shared commitments, but here it appears to be an issue of sincerity, because some citizens do not see some other citizens as justified in accepting such commitments.

A possible explanation that says that the fundamentals of liberalism are self-justifying, will not work, because the fundationalist concept of self-justifying beliefs or reasons represents a controversial epistemological view, something that is defined as a problem by Quong). In another reply, the fundamentals of liberalism may be taken as strong enough to survive in a process of reflective equilibrium (Quong, 2011, 155-156). Their justification is obtained in reflective equilibrium. But, this, again, would not do the work, because reflective equilibrium is itself a controversial epistemological concept.

Quong’s reply is that “I think an essential part of PL’s strategy of epistemic abstinence involves taking it as given that all reasonable persons are justified in endorsing the fundamental political values, and accepting the burdens of judgement. PL does not directly enquire into the question of whether individuals are justified in accepting those values in order to abstain from controversial epistemological theories over which we assume reasonable people disagree. We just take the fundamental political values as given, and then can appeal to those shared values in any instance of public justification and stipulate that in doing so, we can assume our starting
premises are justified to reasonable persons. Making good on that assumption is something political liberalism as a theory remains silent about: we leave that up to individual citizens as part of the background culture or comprehensive philosophy” Quong, 2011a).

I have still worries in relation to how it is possible to say this, in coherence with the criticism of Gaus’s convergence view, based on the sincerity argument. Quong requires to Betty to refrain from justification from convergence of rule R to Alf because she does not believe that Alf is justified in endorsing his evaluative standard Σ. How is this different from Betty, who is allowed to reason with Alf on the base of shared public reasons SRs, although she does not believe that Alf is justified in endorsing them? One answer is that in the former case Betty needs to investigate about Alf’s justification of R, while in the latter case she avoids to investigate about the justification of SRs, because she does not need to do so. But is this really so? Betty may have a strong rationale to investigate about why Alf endorses SRs. For example, she may want to know how stable Alf’s endorsement of them is (ref, …???) If Alf’s endorsement is based, for example, on a doctrine with contradictions, or too ambiguous formulations, she may be wary of the stability of Alf’s endorsement.

In any case, an attitude of attribution of merits to a person related to avoiding information about her merits appears as shallow. I suppose that every reasonable person would judge as regrettably shallow the sincerity of a person in a relation with a spouse, or friends, if, for example, she admires them, but she deliberately avoids knowing facts about them. Isn’t it a regrettable shallow attitude to admire a husband for how successfully he financially cares about the family, and neglect to get information about how he does so (perhaps he is a gangster). In a similar way, it appears to me that it is a regrettable shallow attitude to sincerely engage in justification of public rules with my fellow citizens on the base of some sustaining reasons, if I admit that justification may be so defined that it is obtained only if one is justified in endorsing the sustaining reasons (which is exactly what Quong establishes about justification in his criticism of Gaus’s convergent justification), and I neglect to know about my fellow citizens’ justification of the sustaining reasons on which ground we are engaged in justification of public rules.

A further problem is that in order to obtain justification in a strong sense, basing it on sound justificatory reasons is not sufficient. A person must relate the justificatory reason R to the conclusion C with a sound inference. As Quong says, “in
order for decisions to be justified, they must be grounded in sound reasons or arguments” (Quong, 2008). But, as it is well known, ordinary people are not very good in developing good arguments. They are subject to logical mistakes and rely on heuristics (see, for example: Gaus, 1996, 130-136). As a consequence, either we must think that only epistemological elites can include qualified members of the constituency, or we must renounce to the strong idea of justification put forward by Quong in his criticism of Gaus. It seems to me that the latter option is more congruent with the intentions of public reason, i.e. not to exclude people as qualified members of the constituency because of not being more than ordinarily rational from the epistemological and logical point of view. It is true, as Quong says, that “public justification does not aim at mere agreement or consent – the aim is for political decisions to be justified to each person who is bound by them” (Quong, 2008). The problem, in my view, is that the conception of justification that Quong associates with PJS is too strong. I just indicate the issue, here, and leave a discussion of possible alternative conceptions of justification for another occasion.4

References
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Quong, J. (forthcoming), *What Is the Point of Public Reason?*


