***Reciprocity and Justification in Political Liberalism: Self-Application Vindicated***

It is often said that liberalism is committed to the *Justifiability Condition*.[[1]](#footnote-1) That condition requires that political arrangements be justifiable to those who are subject to them. The terms of this agreement mask vigorous debate about what form the required justification must assume, about what arrangements must be justifiable and about to whom -- among those subject to the arrangements -- justification is owed. The last of these debates, about the *Justificatory Constituency* singled out by views committed to the Justifiability Condition, has figured especially prominently in debates about how best to understand one form of liberalism: political liberalism.

I shall return to this debate below, for I think political liberalism is the most defensible form of liberalism under modern conditions. To show that it is, I need to defend political liberalism against a criticism to which it is said to be subject because of its commitment to the Justifiability Condition. That criticism is that any view which is committed to the condition is caught in a dilemma, one which is said to arise when we ask whether the Justifiability Condition applies to itself. I shall refer to the argument for the dilemma as "the argument from self-application". In section 1, I refine the Justifiability Condition so that questions about its self-applicability can sensibly be raised. In section 2, I lay out the argument from self-application. That argument is found in the work of Charles Larmore, David Estlund and Steven Wall. I shall focus on Wall's version in part because he was the first to formulate the argument explicitly. I also do so because, as we shall see at the end of section 2, his argument -- once directed against political liberalism -- can be read as an effort to clear the field for what has come to be called "the convergence view" by removing its most prominent competitor.

Wall's argument depends upon what he takes the aim of public justification to be: to provide a particular justificatory constituency with reasons for compliance that are acceptable to them under full, or virtually full, information about their moral beliefs. In section 4, I shall contend that Rawls's political liberalism has a different point or purpose than that Wall ascribes to the views he targets, and that its purpose refers to a different justificatory constituency than the one Wall singles out. Seeing the purpose and the constituency, we can see that while its version of the Justifiability Condition applies to itself, Rawlsian political liberalism avoids the consequences that self-application is thought to imply. It therefore avoids the dilemma.

Rawls famously said that "The aims of political philosophy depend on the society it addresses."[[2]](#footnote-2) The aim of Rawlsian political liberalism, quite generally described, is to identify principles of distributive justice citizens have to honor to relate to one another as free equals. As we shall see, the more precise statement of that aim needed to show how Rawlsian political liberalism escapes the dilemma also shows that aim to be rather rarified. Its rarefication raises the question of why the aim is worth pursuing. I confront this question in the final section. My answer shows why I implied above that I think some version of political liberalism -- and the version I had in mind was Rawlsian political liberalism -- is the most defensible form of liberalism for the societies to which it is addressed. It is the most defensible because of its commitment to a form of reciprocity that is needed for our politics.

***§1. The Justifiability Condition***

The Justifiability Condition is generally presented as a condition of political legitimacy. Seeing it that way exerts some pressure to state the scope of the condition more precisely. I initially said that the condition applies to "political arrangements." I did so in deference to an early and influential formulation of a legitimacy condition that was said to be the "theoretical foundation of liberalism."[[3]](#footnote-3) But this formulation is rather vague and papers over what really raises questions of legitimacy in the first place. What raises those questions is the exercise of political power. The paradigmatic exercise of political power is that which issues in directives that are backed by government's ability to force compliance and punish non-compliance. It is the exercise of political power so understood that needs to be legitimated.[[4]](#footnote-4)

This suggests a way of refining the initial statement of the Justifiability Condition: the condition should be taken as asserting a condition of political legitimacy according to which

(JC1) Exercises of political power are to be justifiable to all reasonable citizens.

The phrase "all reasonable citizens" may seem prematurely to settle the question that I said earlier would be of great importance: that of liberalism's justificatory constituency. I have included it because liberals are sometimes said to assume that justification is owed to, or just to, citizens who are reasonable. And, it is said, this assumption gives rise to problems once the Justifiability Condition is applied to itself. I have already said that Rawlsian political liberalism I defend makes a subtly different assumption about its justificatory constituency. For now, I shall continue to use the phrase in deference to the critics.

Taking the Justifiability Condition as asserting (JC1) raises an immediate problem for the argument from self-application. According to that argument, the Justifiability Condition must apply to itself, on pain of threatening the purpose of views which are committed to it. But while (JC1) applies to exercises of political power, it is not itself an exercise of power. So if the Justifiability Condition is understood as applying *only* to exercises of political power, then it cannot impose a condition on itself and the argument from self-application will fail from the start. Call this "the scope problem."

One way to approach the scope problem would be to remove exercises of political power from the scope of the Justifiability Condition, and to say that exercises of political power are legitimate only if the Justifiability Condition is satisfied by something that -- like the Condition itself -- has propositional content. If we take this approach to the scope problem, we have to recast the Condition. The question is how to recast it. (JC1) itself suggests an answer.

To say, as (JC1) does, that an exercise of power is justifiable to those who are subject to it is to stake a claim about how it can be justified. It is to say that there is a justification for the exercise that those subject to it would, could, or perhaps should, accept. Let us use 'acceptable' to cover all three of these possibilities. Then we can recast the Justifiability Conditions so that it says an exercise of political power is legitimate only if there is a justification for it that satisfies:

(JC2) The justifications of exercises of political power is to be acceptable to all reasonable citizens.

Though (JC2) applies to items with propositional content, it does not avoid the scope problem since it is not a justification. But (JC2) has implications for the elements of putative justifications. For a justification will be acceptable only if the claims to which it appeals and the rules of inference on which it relies are acceptable. If we use 'principles' as a blanket term for claims and rules, then we have that a necessary condition of political power's legitimate use is that there be a justification for it which appeals to and relies on principles which are acceptable to all those reasonable persons who are subject to it. The condition can be expressed more economically by saying that there is a justification which satisfies:

(JC3) The principles used in the justification are to be acceptable to all reasonable citizens.

Because (JC3) is a principle, it -- unlike (JC1) and (JC2) -- can impose a condition on itself. And so unlike (JC1) and (JC2), (JC3) does not have a scope problem which keeps the argument from self-application from getting off the ground. With (JC3) in hand, we can turn to that argument, and see how the Justifiability Condition -- now understood as (JC3) -- is said to generate a dilemma for the views which are committed to it .

***§2. The Argument from Self-Application***

One of the main arguments in a seminal essay on political liberalism by Charles Larmore can be reconstructed as a version of the argument from self-application.[[5]](#footnote-5) Another version of it can be found in an influential essay by David Estlund.[[6]](#footnote-6) For reasons I gave at the outset, I shall focus on Steven Wall's version of the argument. In this section, I shall give his argument in general form, postponing questions about its application to political liberalism until section 3.

Wall opens the essay in which develops the argument from self-application by saying that the argument is to be directed against a family of views according to which:

A necessary condition of legitimate coercive political authority is that it can be publicly justified to each person who is subject to it.[[7]](#footnote-7)

Let us call the views in this family "justificatory liberalisms" and the thinkers who endorse those views "justificatory liberals".

The Justifiability Condition is sometimes presented as if it were a basic or rock-bottom commitment of justificatory liberalism. That Wall opens his essay as he does may suggest the he thinks his targets treat the condition that way. His subsequent development of the argument from self-application seems to confirm the suggestion. I believe, however, that the Justifiability Condition is *not* best seen as a first principle. It is better seen as following from the purpose or point of liberalism. Wall is most charitably read as recognizing that and as beginning the argument from self-application, not from the Justifiability Condition, but from a claim about the purpose or point of honoring that condition. What is that claim?

Wall says justificatory liberals "maintain that in a fully legitimate political society each person would be reconciled to the political authority that constrains him."[[8]](#footnote-8) Showing how everyone can be reconciled to political authority -- that is, reconciled to their subjection to such authority -- is, Wall thinks, an "aspiration" of justificatory liberalism.[[9]](#footnote-9) And so I take it Wall think that *the* point, or *a* point, of his target views is to show what conditions the exercise of political authority must meet if citizens are to be reconciled to their situation. I therefore take the first step of Wall's self-application argument to be the claim that:

(1W) The point of justificatory liberalism is to reconcile each citizen to the loss of freedom entailed by subjection to political authority.

The question is how reconciliation can be effected.

Wall says that were citizens reconciled to political authority, "each person, given his background moral beliefs, would have reason to cooperate voluntarily in the maintenance of this authority"[[10]](#footnote-10) -- by which I take Wall to mean "sufficient reason" or "normally sufficient reason" to cooperate. Maintaining political authority generally requires obeying the dictates of political authority. And so reconciliation requires that each person have a justification which provides her sufficient reason for compliance. Wall implies that reasons which reasonable citizens cannot accept in light of their background moral beliefs are not justifications of the right kind.[[11]](#footnote-11) They do not provide the right kind of reasons. Rather, he thinks that reasons can reconcile a reasonable citizen to her subjection -- and so achieve the purpose of justificatory liberalism identified in (1W) -- only if they are acceptable to her in light of those beliefs. And so Wall thinks:

(2W) Each reasonable citizen must have sufficient reasons for compliance that are acceptable to him, "given his background moral beliefs".

(1W) and (2W) together imply that the point of justificatory liberalism is to show how each person can be reconciled to political subjection by showing how exercises of political authority can be justified to her in light of the background beliefs she holds.[[12]](#footnote-12) And so I take it that Wall thinks that:

(3W) According to justificatory liberalism, an exercise of political power is legitimate only if there is a justification for it which, when fully spelled out, satisfies:

(JC): Principles used in the justification must be acceptable to all reasonable citizens given their background beliefs.

The clause "when fully spelled out" appears in (3) because the justifications which are recognized as valid the ordinary course of political life are often elliptical, relying on suppressed premises that are tacitly accepted by the giver and the receiver. As we shall see in a moment, the problem identified by the argument from self-application is with a premise that is presupposed by political justification but is often suppressed. And so I have included the phrase to give as much ground as possible to the proponents of that argument.

That Wall gets to (3W) from (1W) via (2W) shows why he says that the purpose referred to in (1W) is the "underlying rationale" of the Justifiability Condition as he understands it -- the condition expressed by (JC).[[13]](#footnote-13) The fact that he says this confirms the suggestion that Wall does not think justificatory liberals take the condition as a first principle, some features his own exposition notwithstanding.

Steps (1W), (2W) and (3W) set up the dilemma that is said to result once the question of the Justifiability Condition's self-application is posed. For clearly:

(4W) (JC) either applies to itself or it does not.

Wall entertains the possibility that:

(5W) (JC) does not apply itself.

Since (JC) appears in justifications that are fully spelled out, the assertion that it does not apply to itself has a consequence that will prove troubling for justificatory liberals. For:

(6W) Justificatory liberals allow that exercises of political power are legitimate even though one of the principles needed to justify those exercises -- namely (JC) -- is not acceptable to them.

The lack of justification for these exercises of power means that citizens cannot be reconciled to the loss of freedom they entail. And this failure of reconciliation is traceable to the unjustifiability of (JC), the very principle that was supposed to make such reconciliation possible. And so Wall says:

if no cogent publicly justifiable justification for [(JC)] exists, then this principle will not be able to serve its reconciling function -- which is, [I have] suggested, the reason for insisting on it in the first place.[[14]](#footnote-14)

Thus I assume Wall thinks that

(7W) Allowing that exercises of political power could be legitimate even if they cannot be justified by principles all of which are acceptable to reasonable citizens, defeats the purpose of justificatory liberalism as stated in (1W) and understood in light of (2W).

Steps (5W) through (7W) imply:

(8W) If (JC) does not apply to itself, then the purpose of justificatory liberalism, as stated in (1W) and understood in light of (2W), is defeated.

The consequent of (8W) expresses the first horn of the justificatory liberal's dilemma. To avoid it, Wall thinks justificatory liberals should deny (5W) and instead endorse:

(9W) (JC) does apply to itself.

Because of the content of (JC), (9W) implies:

(10W) If (JC) is to figure in the justification of exercises of political power, it is to be acceptable to all reasonable citizens, given their background beliefs.

But, Wall argues:

(11W) (JC) is not acceptable to all reasonable citizens, given their background beliefs.

And so by (10W), (JC) cannot figure in political justification. Thus Wall is led to:

(12W) If (JC) does apply to itself, then it excludes itself from justifications of exercises of political power.

And to:

(13) Either one of the defining commitments of justificatory liberalism defeats the purpose of that form of liberalism or that commitment excludes itself from justifications

Justificatory liberals would presumably find the first disjunct of (13) unacceptable. Wall plausibly assumes that they would find the second unacceptable as well.[[15]](#footnote-15) And so he infers that:

CW: Justificatory liberals must give up their commitment to (JC), modify the purpose of justificatory liberalism, or both.

He thinks they have most reason to give up (JC), to give up on the Justifiability Condition and endorse liberalism of some other form.[[16]](#footnote-16)

At the beginning of this section, I said Wall could be read as thinking that justificatory liberals take the Justifiability Condition as a fundamental commitment. If that reading were right, then his version of the argument from self-application would begin with the step I have labeled (3W). But Wall needs (1W), the claim about the point or purpose of justificatory liberalism, as a premise for the first part of his dilemma. The second step of the argument from self-application is also important, albeit for a different reason.

Recall that the second step says:

(2W) Each reasonable citizen must have sufficient reasons for compliance that are acceptable to him, "given his background moral beliefs".

.

The claim that each citizen's reasons for compliance must be acceptable to her in light of all, or almost all, of her background beliefs is the defining thesis of what has come to called the "diversity view" or the "convergence view" of public reason.[[17]](#footnote-17) Proponents of this view contend that their commitment to this thesis makes the diversity view better able than Rawls-style political liberalism to realize the aim referred to in (1W) -- that of reconciliation.[[18]](#footnote-18) Diversity theorists take Rawlsian political liberalism to be a form of justificatory liberalism. Thus Wall's argument that justificatory liberalism cannot consistently achieve its aim dovetails with efforts to show the superiority of the diversity view. Diversity theorists can avail themselves of Wall's argument from self-application to advance their case. Conversely, if Wall's argument can be shown to fail, then the movement against political liberalism and in favor of the diversity view will have been dealt a serious setback.

Wall himself also thinks that Rawls is a justificatory liberal. More specifically, he thinks that Rawls's condition on legitimacy plays the role of the Justifiability Condition expressed in step (3W), and he seems to think that Rawls arrives at it from (1W). I do not believe that this is right. Rawls *does* think that political liberalism can play a reconciling function.[[19]](#footnote-19) But on my reading, Rawls either denies (2W) or means something very different by it than Wall does. Moreover, the primary purpose of Rawlsian political liberalism is not that stated in (1W). It is to frame a conception of justice which the basic structure of society must satisfy if we are to live together as free and equal citizens. Taking that as its purpose makes it possible to show how Rawlsian political liberalism avoids the dilemma posed for it in the argument from self-application. But to show that, we need to see how the argument against Rawlsian political liberalism would have to go.

***§3. The Rawlsian Justifiability Condition***

We have seen that Walls's argument from self-application depends upon (3W), which attributes a legitimacy condition to justificatory liberalisms. A version of the argument run against Rawls would have to attribute a legitimacy condition to him. Rawls's "Liberal Principle of Legitimacy" seems the most likely candidate for such a condition. His *Political Liberalism* contains two versions of that principle which are not obviously equivalent. One occurs in "Idea of an Overlapping Consensus". The other, and the one to which I shall refer in what follows, is in "The Idea of Public Reason." That version says:

our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational. (p. 217)

Both statements of the principle impose conditions on exercises of power rather than on the justifications of those exercises. So if the Liberal Principle of Legitimacy is equivalent to a form of the Justification Condition, as it is sometimes said to be, the form to which it is equivalent is:

(JC1) Exercises of political power are to be justifiable to all those who are subject to them.

We saw in §1 that the argument from self-application could get off the ground only if (JC1) was recast as (JC3) to avoid what I called "the scope problem", and so it was (JC3) rather than (JC1) that figured in the version of the argument laid out in the previous section. If Rawls's Liberal Principle of Legitimacy is equivalent to (JC1) then, if an argument from self-application is to get off the ground against his political liberalism, that principle will need to be recast as (JC3) or some principle that is relevantly similar to it.

To see how this might be done, note that Rawls introduces (LPL) by saying that it gives a necessary condition of an exercise of power's being "proper and hence justifiable." It is presumably justifiable just in case there is a justification of it. So we can recast the Liberal Principle of Legitimacy as:

our exercise of coercive political power is legitimate only if there is a justification showing that the exercise is in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational.

The recast principle can be stated more formally and substituted into (3W) to yield:

(3R) According to Rawlsian political liberalism, an exercise of political power is legitimate only if there is a justification for it which, when fully spelled out, satisfies:

(LPL) The justification:

(a) shows that the exercise of power is in accordance with a constitution,

(b) shows that all the essentials of that constitution are such that all citizens may reasonably be expected to endorse them as free and equal, and

(c) shows that all of the principles and ideals in light of which citizens may reasonably be expected to endorse the essentials are acceptable to them as reasonable and rational.

The problem with plugging (3R) into an argument from self-application is that (LPL) does not refer to *all* of the principles that might appear in a justification, nor does it obviously refer to principles of legitimacy. And so it is not immediately clear what requirement it might impose on itself.

Nor is it obvious where in (LPL) we might look to find out. Clause (a) concerns exercises of power. Since (LPL) is not an exercise of power, that clause does not impose any requirements on it. Clause (b) imposes a requirement on constitutional essentials. Constitutional essentials include the ways it protects or guarantees basic rights, liberties, opportunities and entitlements. They also include the basic structure and procedures of government. Since principles of legitimacy are not constitutional essentials, we cannot look to clause (b) to see what requirements (LPL) might impose on such principles, and hence upon itself.

The place to look is clause (c). To see why, consider what is involved in showing that a piece of ordinary legislation which does not bear on constitutional essentials satisfies (LPL) and so is legitimate. By clause (a) of (LPL), the legislation will have to be shown "in accordance with the constitution". I take this to imply that the law will have to be shown consistent with what the constitution says about rights, liberties and entitlements, and that it will have to be shown that the law was adopted according to the legislative procedures laid out in the constitution. Clause (b) implies that when the legitimation of the law is fully laid out, the legitimation will have to show that all citizens might reasonably be expected to endorse what the constitution says about rights, liberties, entitlements and legislative procedures as free and equal, subject to the requirement imposed by clause (c).

According to (LPL), showing that a requirement of legislative procedure -- say, the requirement that legislation be backed by majorities in both houses of a bicameral legislature -- is one citizens might reasonably be expected to endorse is supposed help show it legitimate. It can do that only if claims about what makes for legitimacy are brought to bear on the evaluation of legislative procedures. Otherwise, showing that a law was adopted according to constitutional procedures does not have the further implication that it is supposed to have. And so the principles of legitimacy seem to be among the principles in light of which citizens might reasonably be expected to endorse the procedures. That is, they seem to be among the principles referred to by clause (c) of (LPL). If they are, then we can see how (LPL) could apply to itself.

With (3R) in hand, we would expect the argument from self-application directed against Rawls to proceed like the argument laid out in the previous section. That is, we would expect it to proceed by first showing -- at the fifth through the eighth steps -- that the denial of (LPL)'s self-application defeats the reconciliatory purpose imputed to justificatory liberalism. We would then expect it to show -- in the ninth through the twelfth steps -- that if (LPL) does apply to itself then it, unacceptably, excludes itself from political justifications. But as indicated at the end of the previous section, I do not think that the primary purpose of Rawlsian political liberalism is to reconcile citizens to restrictions on their liberty. Nor do I think that Rawls would derive (3R) from (1W) and (2W). Let us now look at how he would derive it.

***§4 The Argument for (3R)***

In *A Theory of Justice*, Rawls had said "[T]o express one’s nature as a being of a particular kind is to act on the principles that would be chosen if this nature were the decisive determining element" of the choice.[[20]](#footnote-20) Though this claim is found in the section of *A Theory of Justice* devoted to the Kantian interpretation of justice as fairness, it does not refer explicitly to the *metaphysical* nature of "a being of a particular kind" and it need not be understood as staking the kind of metaphysical claim that the later Rawls would eschew. Indeed, I believe Rawls thought it a general claim true of the nature of citizens as well as the nature of moral person, and that he could continue to endorse the general claim even after his turn to political liberalism.[[21]](#footnote-21)

According to his political liberalism, citizens are free, equal, reasonable and rational. They express their nature when their conduct shows what kind of beings they are -- better, they express their nature when they live as free, equal, reasonable and rational. And so according to Rawlsian political liberalism:

(2R) To live as free, equal, reasonable and rational is to act on the principles that would be chosen if this nature were the decisive determining element of the choice.

Citizens' nature as free, equal, reasonable and rational beings is the decisive determining element in the original position of *Political Liberalism*. And so they live as such beings when they act from principles chosen there. Showing what principles of justice must regulate the basic structure so that citizens can live that way is, I believe, the purpose, or one of the primary purposes, of political liberalism.

If we are to realize the freedom and equality that self-legislated principles make possible, those principles need to be implemented in laws and policies according to the decision-procedures laid out in a just constitution. Rawls spells out some procedures for their implementation in *A Theory of Justice*,principally in section 31 on the "Four Stage Sequence". In later work, he discusses principles parties in the original position would adopt to guide those procedures. Among those principles are the Liberal Principle of Legitimacy and the guidelines of public reason. And so I do not think Rawls derives (3R) from (1W), as proponents of the argument from self-application like Wall would have it. Rather, he derives it from:

(1R) The purpose of political liberalism to identify principles of justice that allow members of large societies under modern conditions to live together as free, equal, reasonable and rational citizens.

via (2R) and an argument that (3R) would be chosen in the original position.[[22]](#footnote-22) I shall not work through that last argument here. Rawls sketches it and I shall assume in what follows that the argument is sound.[[23]](#footnote-23) And so for present purposes, suffice it to say that I do not think Rawlsian political liberalism is primarily concerned with the provision of reasons for compliance or of reasons that can reconcile citizens to the loss of freedom. Having such reasons is important, but their importance depends upon the more fundamental importance of the purpose expressed in (1R).

***§5 Evading the Dilemma***

Showing that Rawls derives his legitimacy condition from (1R) and (2R), rather than from (1W) and (2W), does not yet show that Wall's argument from self-application cannot be run against Rawls. For we saw in §3 that, initial appearances notwithstanding, there is nothing in the wording or intent of the condition that prevents its being applied to itself. And so for all I have shown thus far, the proponent of the Liberal Principle of Legitimacy could still face Wall's dilemma: either she exempts that principle from its own stricture, in which case she frustrates the purpose of her view as articulated in the first step of the argument, or she subjects that principle to its own stricture, in which case she has to exclude it from political justifications.

I grant that exempting the Liberal Principle of Legitimacy from its own stricture, like exempting (JP3) for its, would open a possibility that its proponents want to foreclose. I also grant that a failure to foreclose the possibility would frustrate the purpose of political liberalism expressed in (1R). And so I grant that the fifth through the eighth steps of Wall's argument from self-application -- reformulated so that they apply to Rawlsian political liberalism -- are right. To avoid the dilemma posed by that argument, I need to show that Rawlsian political liberalism is not caught on the second horn of the dilemma. That is the horn which threatens to catch it if the Liberal Principle of Legitimacy *is* applied to itself, as the ninth step of the argument from self-application supposes that it would be. To see that it avoids the threat, it helps to recall how Wall's argument proceeds from the supposition that (JC3) applies to itself.

Applying the Justifiability Condition to itself yielded:

(10W) If (JC) is to figure in the justification of exercises of political power, it is to be acceptable to all reasonable citizens, given their background beliefs.

But, Wall claimed:

(11W) (JC) is not acceptable to all reasonable citizens, given their background beliefs.

And so by (10W), (JC) cannot figure in political justification. Thus Wall was led to:

(12W) If (JC) does apply to itself, then it excludes itself from justifications of exercises of political power.

Repurposing this argument against Rawlsian political liberalism would require asserting, at the tenth step, that (LPL) must be acceptable to all reasonable citizens given their background beliefs. And it would require asserting, at eleventh step, that (LPL) does not meet that requirement. The problem with repurposing the argument in this way is that (10W) requires that the Justifiability Condition be acceptable to all reasonable citizens given their background beliefs because that is the requirement (JC) applies to itself. But that is not the requirement that (LPL) would apply to *it*self. The difference between the two requirements are subtle but significant.

(JC3) says that principles must be acceptable to citizens "given their background beliefs". The background beliefs Wall has in mind are background *moral* beliefs. This means that citizens' background beliefs are allowed to defeat (LPL) or may be among the grounds on which (LPL) is rejected. Thus Wall says that "[t]he notion of reasonable acceptability being appealed to here is relativized to these background beliefs"?[[24]](#footnote-24) They are relativized because Wall he thinks the point of political liberalism is to reconcile citizens to political subjection, where citizens are considered as having information about their moral views. For these are the views in light of which they may feel alienated, and so these are the views that pose obstacles which reconciliation is supposed to overcome. But Wall does not say that principles need to be acceptable to *all* citizens. The Justifiability Condition (JC3) -- and the form of it that figures in Wall's argument, (JC) -- refer to acceptability by "all *reasonable* citizens". This phrasing is compatible with requiring that principles, including (JC3) and (JC), be acceptable to a *proper subset* of all citizens -- to those who are reasonable, but not necessarily to those who are not. It is therefore compatible with limiting what I referred to at the outset as the "justificatory constituency" of political principles.

Now recall that the Liberal Principle of Legitimacy says:

(LPL) The justification:

(a) shows that the exercise of power is in accordance with a constitution,

(b) shows that all the essentials of that constitution are such that all citizens may reasonably be expected to endorse them as free and equal, and

(c) shows that all of the principles and ideals in light of which citizens may reasonably be expected to endorse the essentials are acceptable to them as reasonable and rational.

We saw that (LPL) can apply to itself in virtue of clause (c). That clause requires that "all of the principles and ideals in light of which citizens may reasonably be expected to endorse the [constitutional] essentials" be "acceptable to them as reasonable and rational." The words "citizens" and "them" in clause (c) hearken back to clause (b), and so refer to "all citizens". Clause (c) therefore requires that the principles and ideals to which it refers -- including, I have argued, (LPL) itself -- be acceptable to everyone. Unlike (JC3), it therefore requires acceptability to an unlimited justificatory constituency.

But the requirement imposed by clause (c) is qualified. Clause (c) requires that principles and ideals be acceptable to everyone "*as* reasonable and rational". I understand that qualification as follows. All citizens, however unreasonable their behavior or their comprehensive views, are taken to have a common moral nature, the nature referred to in (2R). And so all are considered free and equal, and all are assumed to have the capacities to be reasonable and rational. What clause (c) requires is acceptability to all citizens considered just as beings with those common capacities, in abstraction from whatever other qualities or whatever conceptions of the good they actually possess. Clause (c) is therefore incompatible with the possibility that the wording of (JC) leaves open. It requires that principles be acceptable to everyone, including people who behave unreasonably. But it only requires that they be acceptable to everyone under a description that picks out what they share: their common moral personality, and not in light of the background beliefs that distinguish them.[[25]](#footnote-25)

Thus Rawlsian political liberalism has a very different purpose than Wall takes justificatory liberalism to have. The point of political liberalism is to show how it is possible for citizens, who differ in their moral beliefs, to relate to one another under a description that captures what they have in common. On that conception of political liberalism's purpose, expressed in (1R), the background moral beliefs citizens actually hold cannot defeat (LPL) because they are irrelevant to the requirement of acceptability that (LPL) imposes on itself. And so having rejected (1W) and (2W), the Rawlsian political liberal also rejects the move from (LPL)'s self-application to (10W) and (11W), and so avoids the second horn of Wall's dilemma.

Of course, though (LPL) does not impose the requirement on itself that it would have to impose for Wall's argument against it to go through, we may still wonder whether it satisfies the requirement it does impose on itself. I have said that Rawlsian political liberalism begins with an idea of citizens as free, equal, reasonable and rational at step (1R) and with the appeal of living together or relating to one another as such. It also presumes that while some of what we need to do to relate to one another in that way is perfectly clear, much of what we need to do is not.

Whatever else living together as free equals entails, it surely requires that our society comply with appropriate distributive principles and principles of legitimacy. But it is far from obvious what the appropriate principles are. Analyzing the concepts of freedom, equality and justice will not help us identify them. And so Rawlsian political liberalism identifies them procedurally, appealing to the original position at step (2R) to identify them. Thus if a principle could or would be adopted in the original position, then it is acceptable to citizens as reasonable and rational. Acceptability to citizens as reasonable and rational is just the requirement that (LPL) imposes on itself. As I said above, I assume the soundness of Rawls's argument that the Liberal Principle of Legitimacy would be chosen in the original position. And I assume for present purposes that (2R) is right and that the original position identifies the requisite principles. If these assumptions are right, then the Liberal Principle of Legitimacy survives self-application.[[26]](#footnote-26)

***§6. The Right Kind of Reciprocity***

When citizens offer one another justifications for the laws and policies they favor, they engage in an exercise in reciprocity which is extended over time. These exercises may be fair or unfair. The circle of participants in politics may be narrow or broad. The terms in which justifications are exchanged may differ widely. I have contended that the justificatory constituency of Rawlsian political liberalism consists of all citizens, considered as free, equal, reasonable and rational. Exercises of political power need to be justifiable to everyone under that description. But, it may be objected, this gives Rawlsian political liberalism an aspiration that is too rarefied, too far removed from actual politics. For citizens of the actual world -- or of Rawlsian a well-ordered society -- may not think of themselves under or identify with the abstract description of them that political liberalism singles out. Indeed, they may not even recognize themselves under that description. They may instead think of themselves as adherents of one or another comprehensive doctrine or as members of one or another group. And so the justifications addressed to citizens insofar as they are reasonable may not actually persuade citizens or provide them reasons for compliance that motivate them. If Rawlsian political liberalism does not actually motivate citizens then, this objection concludes, its point is not worth pursuing.

Findings of contemporary political science seem to support the empirical premise on which this objection rests. According to some political scientists, American politics is group-based. Citizens derive their political preferences from groups to which they belong, and primarily from their political parties. They affiliate with political parties because they believe those parties best comport with what they regard as most important to their identities. Those identities are descriptions under which they see themselves, and those descriptions are not the description singled out by justificatory liberalism, including political liberalism.[[27]](#footnote-27) This, it may be said, is one of the cognitive limitations to which justificatory liberalism pays lip-service but of which it does not really take account.[[28]](#footnote-28) Properly taking account of it would show that there is something quixotic about the form of reciprocity at which political liberalism aims.

Political liberals might well hope that the societies they address develop in ways that make the empirical premise cease to be true. But even if citizens do not generally view themselves under political liberalism's favored description, it may still be important to make that point of view available and to develop its distributive implications. One way to rebut the objection would be to show their importance. The question is how to do that.

It is tempting simply to answer that according to Rawlsian political liberalism, the political liberal philosopher's work is done when she presents her conception of justice as freestanding and capable of answering a wide range of pressing political questions. In Rawls's terms, this shows a conception to be pro tanto justified.[[29]](#footnote-29) The job of saying why citizens should view themselves as political liberalism says they are is then left to those who develop and teach reasonable comprehensive doctrines. And so it is left to them to bring it about that the adherents of their doctrines are motivated by the kind of legitimations Rawlsian political liberalism says should be offered. It is up to them, and not the philosophical defender of political liberalism, to persuade citizens to live together on the basis of what they have in common.

Tempting as this answer may be, it underestimates the power of justification that appeals only to political values, and so underestimates the ability of political liberalism to justify itself. I cannot develop that justification in any detail here. In conclusion, I simply suggest three lines along which justification could proceed.

First and most obviously, even those who do not think of themselves as citizens, just as such, may still recognize as theirs some of the interests that political liberalism ascribes to them in that capacity. Rawls implies that those interests include an interest in seeing that "their original allegiance and continued devotion to [their final] ends are formed and affirmed under conditions that are free."[[30]](#footnote-30) I believe he would agree that what is true of their final ends is true of their group identities. This may be an interest people recognize that they have even as they strongly identify, or perhaps especially because they strongly identify, with their groups.

The conditions that are most fundamental to someone's attachment to and maintenance of her group identity are her society's constitutional essentials: the expressive and associational liberties her society recognizes, the opportunities it presents and the resources citizens have to pursue those opportunities. These conditions have to be seen to leave citizens free if the interest Rawls identifies is to be satisfied. If they are to leave citizens free to form their own group identities then -- on one plausible understanding of freedom -- they cannot favor membership in one group over another. A plausible test for whether they do not is that they be conditions to which citizens know they would agree just as such, abstracting from their group memberships and identities. Identifying constitutional essentials that pass that test is precisely the aim of political liberalism. The political value of satisfying the interest Rawls identifies tells in favor of pursuing that aim.

A second line of argument begins with the assumption that "recognition" is an important political value. The goal of the politics of recognition, according to Nancy Fraser, is a "difference-friendly world, where assimilation to majority or dominant cultural norms is no longer the price of equal respect."[[31]](#footnote-31) So understood, the aim of the politics of recognition is citizens' respect for one another under more particular descriptions than that privileged by political liberalism. The politics of recognition aims at a form of reciprocity, but it demands the mutual recognition of distinctive identities. Yet as Fraser herself grants, recognition may require us to "unburden misrecognized people of ascribed characteristics that are held to distinguish them from others and that constitute them as less than full partners" in social cooperation.[[32]](#footnote-32)

Thus while building a "difference-friendly world" may sometimes require that legal and other norms explicitly recognize gender, race and ethnicity, it may sometimes require that members of disadvantaged groups be described and treated just as citizens. Determining when we need to do one and when the other requires the political wisdom to make delicate judgments. What matters for present purposes is that the politics of recognition requires a range of moral and intellectual resources. Those resources include the requirements of treating citizens fairly, just as such. And so it requires the resources provided by a political liberalism which pursues the aim I have attributed to it here.

Finally, identity politics is sometimes said to aim at the advancement of special interests rather than of the common good.[[33]](#footnote-33) Whether or not this is a fair assessment, the contemporary world affords all too much evidence that identity politics can sour, curdle and become poisonous. Groups that have been denied justice may base their rightful claims for attention and redress on group identity. In doing so, they may elicit counter-assertions of group-identity by those who want to maintain their privilege, by those fail to recognize their privilege, and by those who believe that gains by those below them will be their loss. The result can be, and has recently been, a politics of resentment and deep division. At such times, pursuit of a common good through politics may seem impossible

Critics of the liberal tradition zero in what they claim is its excessive individualism, sometimes suggesting that it lacks any commitment to the common good. Those who aim these criticisms at Rawls fail to take the full measure of the communitarian elements in his theory.[[34]](#footnote-34) Rawls does define the common good, albeit in passing and enigmatically, as "certain general conditions that are in an appropriate sense equally to everyone's advantage."[[35]](#footnote-35) The idea seems not to play a prominent role in his thought. A more developed Rawlsian account of the common good will draw on an what citizens have in common and what they are entitled to as such. Because of the requirement that social and economic inequalities be to the maximum advantage of the least advantaged, securing the common good may require an attention to the least well-off that will prove politically divisive if not impracticable. This seems especially likely if antagonisms are, if not horizontal, then between groups none of whose members are well-off -- as among the working class, former members of the working class who feel displaced in a globalized economy, the working poor and those who are least-advantaged of all. When this is so, pursuit of the common good will have to proceed incrementally.

What policies should be pursued in early increments is a matter for detailed empirical study. As I have suggested elsewhere, a prima facie plausible suggestion is government investments in public good which may benefit the least advantaged more than anyone else but whose benefits redound to all because the good are non-excludable. Prominent examples of such goods are well-functioning public transportation systems and, in the US, state universities, community colleges and vocational training centers. [[36]](#footnote-36) Because these investments benefit all, they are reciprocally justifiable. If reciprocally justifiable policies prove popular and gain widespread public support, the antagonisms and jealousies of contemporary politics may be somewhat ameliorated. If they are, then the political value of civil public life provides another reason for political liberals to pursue reciprocity as they understand it, rarefied and abstract as this aim may be.

Paul Weithman

Department of Philosophy

University of Notre Dame

1. I am grateful to David Estlund, Jonathan Quong and David Estlund for helpful comments on an earlier draft. [↑](#footnote-ref-1)
2. John Rawls, "Idea of an Overlapping Consensus", *Oxford Journal of Legal Studies* 7,1 (1987): 1-25, p. 1. [↑](#footnote-ref-2)
3. Jeremy Waldron, "Theoretical Foundations of Liberalism," *The Philosophical Quarterly* 37, 147 (1987): 127-50, p. 132. [↑](#footnote-ref-3)
4. Or perhaps the possession and exercise of coercive power, though I shall ignore this complication here. [↑](#footnote-ref-4)
5. Charles Larmore, "The Moral Foundations of Political Liberalism," *Journal of Philosophy* 96,12 (1999): 599-625. [↑](#footnote-ref-5)
6. David Estlund, "The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth," *Ethics* 108,2(1998): 252-75. [↑](#footnote-ref-6)
7. Steven Wall, "Is Public Justification Self-Defeating?" *American Philosophical Quarterly* 39,4 (2002): 385-394, p. 385. [↑](#footnote-ref-7)
8. Wall, "Is Public Justification Self-Defeating?", p. 387. [↑](#footnote-ref-8)
9. Wall, "Is Public Justification Self-Defeating?", p. 387. [↑](#footnote-ref-9)
10. Wall, "Is Public Justification Self-Defeating?", p. 387. [↑](#footnote-ref-10)
11. Wall, "Is Public Justification Self-Defeating?", pp. 387-88. [↑](#footnote-ref-11)
12. The condition of legitimacy cited at the beginning of the section is a condition on the legitimacy of "coercive political authority", and so could express a condition on someone's the possession of such authority or on the existence of such authority. By contrast, the third step of the self-defeat argument expresses a condition specifically on the legitimacy of *exercises* of coercive authority. I do not think this difference poses a problem for the attribution of the third step to Wall since elsewhere it is clear that his focus is on those exercises; see Wall, "Is Public Justification Self-Defeating?", p. 386-88, *passim*. [↑](#footnote-ref-12)
13. Wall, "Is Public Justification Self-Defeating?" p. 388. [↑](#footnote-ref-13)
14. Wall, "Is Public Justification Self-Defeating?" p. 389. [↑](#footnote-ref-14)
15. Wall, "Is Public Justification Self-Defeating?", p. 388.

    [↑](#footnote-ref-15)
16. Wall, "Is Public Justification Self-Defeating?", p. 392. [↑](#footnote-ref-16)
17. The label "diversity view" is drawn from Kevin Vallier and Ryan Muldoon, "In Public Reason, Diversity Trumps Coherence", *Journal of Political Philosophy* 29,2 (2021): 211-30. "Convergence" is drawn from Kevin Vallier, "Against Public Reason's Accessibility Requirement", *Journal of Moral Philosophy* 8 (2011): 366-89, p. 389. [↑](#footnote-ref-17)
18. Vallier and Muldoon, "Diversity Trumps Coherence", pp. 222-23. [↑](#footnote-ref-18)
19. John Rawls, *Lectures on the History of Political Philosophy* (Cambridge, MA: Harvard University Press, 2007) ed. Freeman, p. 10.

    [↑](#footnote-ref-19)
20. John Rawls, *A Theory of Justice* (Harvard University Press, 1999), p. 222. [↑](#footnote-ref-20)
21. Do citizens, just as such, have a nature? Rawls apparently thought so, for at *PL*, p. 203 he writes "part of the *essential nature of citizens* (within the political conception) is their having the two moral powers which root their capacity to participate in fair social cooperation." (emphasis added) [↑](#footnote-ref-21)
22. It is therefore a mistake to suppose that some version of the Justifiability Condition must underlie the Rawlsian claim that principles of justice are to be chosen in the original position. Rather, the Justifiability Condition, and the claim that principles of justice are to be chosen in the original position, can be shown to follow from (1R) and (2R), though Rawls himself is not as clear about this as we would like. Jonathan Quong stands out for recognizing that the Justifiability Condition depends upon something like (1R). At *Liberalism without Perfection*, p. 2,he writes "We honour the idea of persons as free and equal by supposing that one person cannot rightly wield power over another unless they can justify the exercise of that power to the person over whom it is exercised." [↑](#footnote-ref-22)
23. John Rawls, *Political Liberalism* (Columbia University Press, 1994), p. 225. [↑](#footnote-ref-23)
24. Wall, "Public Justification", p. 386. [↑](#footnote-ref-24)
25. That is why Rawls treats the Liberal Principle of Legitimacy as quoted above from *Political Liberalism*, p. 217 with what might seem the very different formulation found on p. 137:

    our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable *to their common human reason*. [↑](#footnote-ref-25)
26. What I have said about the aim of Rawlsian political liberalism and the role of the original position finds some basis in Rawls's texts. My implication at (1R) that the aim of political liberalism is to identify distributive principles appropriate to citizens under a certain description seems to be borne out by Rawls's claim about the "first fundamental question" that political liberalism addresses. For Rawls says that question is "what is the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens *regarded as* free and equal?". (Rawls, *Political Liberalism*, p. 3, emphasis added) A couple of pages later, he says that political liberalism tries to show that its principles are "more appropriate than other familiar principles of justice to the idea of democratic citizens *viewed as* free and equal persons" (Rawls, *Political Liberalism*,p. 5, emphasis added)

    I have also implied that Rawlsian political liberalism identifies principles appropriate for citizens, considered under that description, by working out the implications of under-theorized liberal democratic commitments. This claim finds some basis in Rawls's remark:

    We must keep in mind that we are trying to show how the idea of society as a fair scheme of social cooperation *can be unfolded* so as to find principles specifying the basic rights and liberties and the forms of equality most appropriate to those cooperating*, once they are regarded as citizens*, as free and equal persons." (Rawls, *Political Liberalism*, p. 27, emphasis added)

    When the original position is used to "unfolded" that idea, and to draw out its implications drawn for questions we could not otherwise resolve, the original position assumes the role Rawls assigned it *Theory of Justice*: that of providing "guidance where guidance is needed." (Rawls, *Theory of Justice*, p. 18) [↑](#footnote-ref-26)
27. Christopher H. Achen and Larry M. Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government* (Princeton: Princeton University Press, 2016), chapter 8. [↑](#footnote-ref-27)
28. See Douglas I. Thompson, Review of Kevin Vallier, *Must Politics Be War? Restoring Trust in an Open Society*, *Notre Dame Philosophical Reviews*, August 5, 2019,<https://ndpr.nd.edu/news/must-politics-be-war-restoring-our-trust-in-the-open-society/>, (accessed October 16, 2019). [↑](#footnote-ref-28)
29. John Rawls, "Reply to Habermas", *Journal of Philosophy* 92,3 (1995): 132-80, p. 143. [↑](#footnote-ref-29)
30. Rawls, *Theory of Justice*, p. 132. [↑](#footnote-ref-30)
31. Nancy Fraser, "Social Justice in the Age of Identity Politics: Redistribution, Recognition and Participation", p. 3. [https://www.intelligenceispower.com/Important%20E-mails%20Sent%20attachments/Social%20Justice%20in%20the%20Age%20of%20Identity%20Politics.pdf](mailto:https://www.intelligenceispower.com/Important%2520E-mails%2520Sent%2520attachments/Social%2520Justice%2520in%2520the%2520Age%2520of%2520Identity%2520Politics.pdf) (accessed October 17, 2019) [↑](#footnote-ref-31)
32. Fraser, "Social Justice in an Age of Identity Politics", p. 50. [↑](#footnote-ref-32)
33. Linda Martin Alcoff and S.P. Mohanty, "Reconsidering Identity Politics: An Introduction", in *Identity Politics Reconsidered. The Future of Minority Studies* (New York: Palgrave MacMillan, 2015) ed. Alcoff , et al., pp. 1-9. [↑](#footnote-ref-33)
34. Thus it is surprising how little critical attention is devoted to *Theory of Justice*, section 79 on "The Idea of a Social Union." The ideas and arguments of this section played a much less important role in Rawls's view after his turn to political liberalism. I trace the fate of the idea in "Religious Pluralism and Social Unions", forthcoming. [↑](#footnote-ref-34)
35. Rawls, *Theory of Justice*, p. 217. [↑](#footnote-ref-35)
36. I take this up in "Reciprocity and the Rise of Populism", *Res Publica* 26 (2020): 423-31. [↑](#footnote-ref-36)