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Comments on Brown

In his clear, insightful, and engaging paper, "Public Reason and the Future of Political Liberalism," Cullin Brown offers a (partial) defense of John Rawls's political liberalism against Thomas Christiano's objection that it is too demanding, insofar as it asks citizens to refrain from appealing to what they individually regard as the best reasons for their political views. Specifically, Christiano argues that political liberalism's public reason requirement, combined with its commitment to respecting the free use of reason, gives rise to two fatal dilemmas. According to Brown, though, political liberals can escape the second dilemma unscathed and can survive the first with some revision and a bit of good luck.

I think Brown successfully defends political liberalism against Christiano's second allegedly fatal dilemma, which tries to show that a forced choice between reasonable but conflicting proposals inevitably results in someone being coerced into accepting a proposal she could reasonably reject. As Brown rightly points out, it is not "reasonable," in Rawls's sense, for someone to reject a proposal just because it is not what she regards, by her own lights, as the *most* reasonable. As long as a proposal is sufficiently well-supported by public reasons, it is not *reasonably* rejectable, even by citizens who favor a different reasonable proposal.

I am less sure about the success of Brown's response to Christiano's first allegedly fatal dilemma for political liberalism. So that's what I'll focus on for the remainder of my

time. In the first dilemma a citizen must choose between what Brown terms a "clean loss" or a "dirty win." A clean loss occurs when a citizen's favored proposal loses out to an opposing but still reasonable proposal, and a dirty win occurs when a citizen's favored proposal wins, even though it's subject to reasonable rejection. On the one hand, permitting dirty wins would undermine the moral foundation of political liberalism. On the other hand, according to Christiano, demanding that citizens accept clean losses "presupposes that the value of respect for the free exercise of reason is lexically superior to any other reasonable value" (Christiano 217). Because this is a controversial claim, it supposedly would render political liberalism self-refuting, as the point of political liberalism is to protect citizens from coercive laws that they have reason to reject.

Brown is quite right that the first horn of the dilemma (the "rejecting the categorical force" horn) is fundamentally at odds with political liberalism's conception of legitimacy—which, as Rawls puts it, holds that "exercise of political power is proper only when [all other citizens can reasonably accept] the reasons we offer for our political actions" (447). If this conception of legitimacy is essential to political liberalism, then one cannot be a political liberal while grasping the first horn, as do so-called "permissive political liberals" like Kyla Ebels-Duggan. It is important to note, however, that this leaves open the possibility that permissive political liberalism offers a plausible normative political theory in its own right. But further discussion of its potential merits is beyond the scope of our present topic, which is *Rawlsian* political liberalism.

This brings us to the second horn of the first dilemma (the "lexical priority" horn). Let's consider Brown's strategy for blunting the force of Christiano's objection: He suggests that a political liberal can replace the controversial claim that the free exercise of reason is

lexically superior to other values with the weaker claim that "respect for the free exercise of reason is more valuable than other values *with enough regularity that we should, as a political rule, treat the free exercise of reason as lexically prior to all other value*" (13, emphasis original). According to Brown, the question of whether it's still too controversial to embrace the *weakened* lexical priority of the free exercise of reason is an empirical one. But this is only an empirical question if we are considering whether the claim is controversial in the sense that it is disputed among actual people. And I do not see why political liberals, as such, need to concern themselves about this question, since what matters to them is whether a claim is controversial—or, better, reasonably rejectable—among suitably idealized people.

Toward the end of his paper, Brown seems to suggest that the test of Rawls's political conception of justice is whether a majority of its citizens in fact endorse it as the basis for cooperation across difference—for example, when he asks, "Are the liberal and liberally dependant modules of *most people's* doctrines substantial enough to warrant an enduring commitment to a politically liberal conception?" (16, emphasis mine). As I understand it (and I'm sure Brown will correct me if I'm wrong), this is not a test that Rawlsian political liberals need submit to, because actual people can be irrational and unreasonable. So although I agree with Brown's empirical hypothesis that the weakened lexical priority claim would win *more* support among actual people, it still would not measure up to the liberal principle of legitimacy unless it would win the support of *all* hypothetical or suitably idealized citizens who are reasonable in Rawls's sense of the term. And if we can demonstrate that, we probably can also show that the original lexical priority claim also is not reasonably rejectable.

Indeed, it seems to me that political liberalism can consistently maintain that the free exercise of reason is lexically prior to all other values. Recall that the project of political liberalism is to set forth a political conception of justice that can be endorsed by all *reasonable* citizens. Reasonable citizens, by definition, view others as free and equal and accept what Rawls terms the burdens of judgment. The burdens of judgment are the sources of disagreement between reasonable persons, which include the difficulty in assessing and weighing complex evidence, the vagueness of our moral and political concepts, and the differences in the background experiences each of us brings to bear on our evaluations of moral and political issues (Rawls 55-7).

It is because reasonable citizens view others as free and equal and accept the burdens of judgment that they refrain from proposing terms of association that others can reasonably reject. This can be true even if some reasonable citizens do not view the free exercise of reason as having lexical priority over all others in some ultimate sense. Political liberalism is "political not metaphysical." And so, as long as reasonable citizens are willing to reserve for their non-public lives what they individually regard as having ultimate value, that is sufficient to ensure that, in matters of public concern (at least insofar as they relate to the basic structure of society (Rawls 11)), they will give priority to the free exercise of reason. Robert Talisse has expressed this thought well: "The Rawlsian insight is that in order to be legitimate, public policy must be justifiable by reasons that meet a standard higher than truth; publicly justifying reasons must be not reasonably rejectable" (Talisse 513). Citizens who are unwilling to meet this higher standard when debating public issues are, by definition, unreasonable; thus, for political liberals, the fact that they reject a

proposal because it violates their sense of what's of ultimate value is irrelevant to whether the proposal is legitimate.

If I'm right, then Christiano has not shown that Rawls's political liberalism is self-refuting, even with the strong lexical priority claim. However, the argument I've just made points to a deeper problem, one that Brown hints at in the conclusion of his paper—namely, that Rawls's political philosophy *is* divorced from reality. But this is by design, and so pointing it out does not constitute an internal critique. Nevertheless, by allowing only appeals to reasons everyone can accept *in principle*, Rawls tempts us to substitute a philosophical abstraction for flesh and blood persons—it tempts us to substitute what John Dewey called the "problems of philosophers" for the "problems of men" (Dewey 46). To the extent that political liberalism turns away from the plurality of reasons citizens actually have and deals only with reasons citizens would share under certain idealized conditions, it solves the problem of pluralism in theory without touching the real difficulties of living in a diverse and non-ideal society. Worse, the public reason requirement encourages us to disengage with fellow citizens we deem unreasonable, either dismissing them entirely or patronizingly idealizing away their real or imagined epistemic and moral defects.

Instead we should work toward a future in which, as far as practically possible, all citizens are free to participate fully in our ongoing experiment in collective power sharing. For this we should pay more attention to empirical research in political science and psychology, as Brown rightly suggests. But we also need to rethink our conception of legitimacy to better address the obstacles to cooperating effectively across difference to address shared problems in a deeply divided society.

Works Cited

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