

Civic Friendship, Public Reason*

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Abstract:

I introduce a conception of civic friendship as a valuable form of political community, then show how the principle of public reason plays an important role in establishing and maintaining civic friendship. As a result, the value of civic friendship gives citizens strong reason to comply with the principle of public reason. I show that this civic friendship-based defense gives reasons for citizens to comply with public reason that differ from the reasons provided by traditional defenses of public reason. The civic-friendship-based justification: (1) supports a weaker obligation to reason publicly, (2) makes this obligation depend on a sufficient number of one's co-citizens being likewise prepared to comply, and (3) makes this obligation vulnerable to attenuation or defeat for citizens who are targeted by systematic and pervasive injustice. These changes render public reason more plausible than it is on traditional understandings. I also argue that the changes retain their importance even if much of the traditional understanding can be defended.

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1. Introduction

Political liberals endorse the *principle of public reason*:

Voters, legislators, and judges must resolve important political questions by relying only on considerations that they can reasonably expect one another to accept.¹

This principle requires citizen-deliberators to avoid considerations, like controversial religious or moral claims, about which there is reasonable disagreement. Instead they are to draw on considerations that are common ground among reasonable citizens. The political values that prevail in modern liberal democracies—such as the civil and political liberties affirmed in many constitutions, the equality of citizens before the law, and the importance of public health and safety—are paradigm examples of these considerations.

Political liberals have devoted considerable attention to interpreting the principle of public reason and exploring its implications for particular issues, but they've said much

1 This principle is broadly Rawlsian, characterized by its demand that citizens premise their political decisions on considerations that are deliberative common ground among their reasonable co-citizens (even if the conclusions reached by reasoning from these premises are sometimes controversial). I use "political liberals" to refer to theorists who understand the principle in this general way. Classic statements of political liberalism include Charles Larmore, *The Morals of Modernity* (Cambridge University Press, 1996); John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996); John Rawls, "The Idea of Public Reason Revisited," *University of Chicago Law Review* 64, (1997): 765-807. For more recent systematic interpretation and defense, see Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011) and Paul Weithman *Why Political Liberalism?* (Oxford: Oxford University Press, 2011). Other theorists of public reason have endorsed competing understandings of mutual justifiability, often ones demanding that political *conclusions* be ones we could expect reasonable citizens to converge in accepting, regardless of whether these conclusions are supported by considerations drawn from reasonable citizens' deliberative common ground. See, for instance: Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*, (Cambridge: Cambridge University Press, 2011); Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, W. Rehg (trans.), (Cambridge: MIT Press, 1996); Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (New York: Routledge, 2014). My focus here is on offering a defense of political liberalism, so I don't discuss these alternative views here. Subsequent talk of 'public reason' should be interpreted as referring only to politically liberal understandings of the principle.

less about what justifies the principle. When they do discuss reasons for complying with public reason, political liberals often suggest a *respect-based justification*: honoring individual citizens' self-governance-based entitlements demands compliance. This paper offers an alternative *community-based justification* of public reason, on which the principle is justified as a means of realizing a valuable relation of friendship among citizens of liberal democracies. Civic friendship is threatened by the moral, religious, and philosophical pluralism that arises among reasonable citizens in a free society. Compliance with public reason helps establish and maintain civic friendship despite this threat, which gives citizens strong reason to comply with the principle.

In addition to making the case for public reason on grounds of political community, I'll argue that the character of public reason's justification bears on *when* citizens have reason to comply with the principle. While some political liberals have recommended public reason on grounds of civic friendship, they have largely failed to note that the community-based justification gives an account of citizens' obligations to reason publicly that differs significantly from the obligations advanced by most political liberals, and which are supported by the respect-based justification.² The respect-based justification

2 For recent discussion supporting public reason by appealing to civic friendship, see: R.J. Leland and Han van Wietmarschen, "Political Liberalism and Political Community," *Journal of Moral Philosophy* 14, no. 2 (2017): 142-167; Andrew Lister, "Public Reason and Democracy," *Critical Review of International Social and Political Philosophy* 11, no. 3 (2008): 273-289; Lister, *Public Reason and Political Community* (London: Bloomsbury Academic, 2013). Although Blain Neufeld uses language of "civic respect," he endorses a related view in "Shared Intentions, Public Reasons, and Political Autonomy" *Canadian Journal of Philosophy*, forthcoming. While these political liberals invoke community-related ideas in support of public reason, most of them understand community in different terms than I do here, and they don't recognize how a community-based justification affects the character of citizens' obligation to comply with public reason. For earlier suggestions of a link between political community and public reason, see: Rawls *Political Liberalism*, xlix; Cohen "Procedure and Substance in Deliberative Democracy" in *Deliberative Democracy*, eds. James Bohman and William Rehg (Cambridge, MIT Press, 1997), esp. pp. 416, 420; Moon *Constructing Community: Moral Pluralism and Tragic Conflicts* (Princeton, Princeton University Press, 1993). For invocations of political community to support principles of mutual justifiability that differ from the principle of public reason I defend here, see: Kyla

takes citizens' obligations to comply with public reason to be stringent and unconditioned on the expectation of reciprocal compliance. By contrast, the community-based justification gives citizens reasons for compliance that are comparatively less stringent and conditioned on the expectation of sufficient reciprocity. The respect-based justification suggests that citizens should comply with the principle, even when they face systematic and pervasive injustice. But citizens' community-based reasons for compliance can be weakened or defeated when they are subjected to such injustice. I argue that these revisionary consequences increase the plausibility of the principle of public reason, and thereby support the community-based justification against the respect-based justification.

Considering the community-based justification offers a number of opportunities for rethinking our understanding of political liberalism. It gives those already committed to political liberalism new cause to examine why they endorse the principle of public reason and what the principle requires. And it illustrates how a justification of political liberalism with a broadly consequentialist character—one appealing to the social goods realized under conditions of compliance rather than showing how compliance is mandated by respect for individuals' entitlements as self-governors—is plausible. It should also lead critics of political liberalism to reconsider their arguments, many of which target the respect-based justification or its implications for when citizens should comply with public reason. Moreover, it gives those interested in fostering an inclusive form of political community reason to consider whether their vision of that community ought to include the principle of public reason.

Ebels-Duggan, "The Beginning of Community: Politics in the Face of Disagreement," *The Philosophical Quarterly* 60, no. 238 (2010): 50-71; Chad Van Schoelandt, "Justification, Coercion, and the Place of Public Reason," *Philosophical Studies*, 172 no. 4 (2015): 1031-1050; and Chad Van Schoelandt "Convergence in the Political Liberal Community" (unpublished manuscript).

In sections 2-3, I explain the community-based justification of public reason: we ought to reason publicly to establish and maintain civic friendship with our co-citizens.³ Section 4 compares the community-based justification with the respect-based justification, explaining some reasons for concern about the latter to make the case for the former as a plausible alternative. Sections 5-7 argue that the community-based justification has significant consequences for the character of citizens' obligation to reason publicly. Section 8 considers how the community-based justification fares if the respect-based justification can answer the problems it faces, and section 9 concludes.

2. Civic Friendship

(a) Reciprocal Concern and Cooperation

The ideal of civic friendship begins from the thought that citizens value cooperating together on fair terms to advance the interests of others who are likewise committed to such cooperation. Moreover, they are willing to do their part in realizing such a scheme of social cooperation. In doing so, they aren't motivated by self-interest alone. They also take their reciprocal cooperation aimed at the common good to be valuable in its own right, and care to advance the interests of their co-citizens who share their valuation of, and commitment to, reciprocal cooperation.

(b) Mutually Appreciable Interests

Civic friendship is reciprocal in another respect: citizens value cooperation on mutually-appreciable terms, intending their cooperation to generate results that benefactors and

³ Those sections draw on and develop my and Han van Wietmarschen's argument in "Political Liberalism and Political Community."

benefitted both regard as genuine interests of the benefitted parties.

One way of failing to deliver this kind of mutually-appreciable benefit is *imposition*. Imposing concern substitutes benefactors' judgments about what's good for recipients' judgments. Friends don't typically devote their efforts to one another in ways that the other doesn't regard as good for herself, and the more an imposing character predominates in a relationship, the less that relationship is an instance of genuine friendship. Think, for example, of one person who, motivated by concern for another, regularly proselytizes to the other, knowing that the other thinks religion is nonsense. The benefactor, in this case, fails to act as a friend, because the resources he confers aren't actually benefits, when judged from the perspective of his friend, despite the fact that he regards them as genuinely beneficial. The proselytizing will be morally permissible, provided it's done in a respectful manner. But it won't count as a way the benefactor has done his part in delivering friendly care (if there weren't other, non-imposing ways the proselytizer looked after his friend's interest, then we wouldn't call their relationship a friendship). And while some imposing care may be compatible with friendship, when it is present in larger doses, it erodes the friendly character of interpersonal relations. This is because imposing care treats the imposed-upon party as though her judgment is less important than the judgment of those who intend to help her. And such treatment is contrary to the egalitarian cooperative spirit of friendship.

For similar reasons, a society characterized by widespread political imposition will lack civic friendship. It will be experienced by those imposed upon as intrusive, and at odds with an ideal of friendly community. Moreover, widespread imposition can alienate those imposed upon from valuing and participating in efforts to cooperate in service of reciprocal benefits for their co-citizens.

A second way of failing to deliver mutually-appreciable benefits is *deference*, which occurs when benefactors give a recipient something she regards as good, despite

benefactors taking it not to be in the recipient's genuine interest. Friends have a responsibility to genuinely make each other better-off as a result of their friendly concern. Deference fails to satisfy this responsibility, because it involves a willingness to treat our friends in ways we regard as bad, or as not genuinely good, for them. To provide a willing alcoholic with drink that one believes damages their quality of life is not to act as their friend, even if it is to give them what they genuinely believe best for them. As with imposition, it may be morally permissible to provide the alcohol, and it may be compatible with being friends with the alcoholic, provided one acts as a friend in other ways. But the provision of deferent care weakens the quality of friendship rather than enhancing it, and when one provides the drink one isn't acting as the alcoholic's friend.

The tension between deference and friendly care is complicated by the fact that we often believe it's good for people to get what they desire or value, even when we believe their desiring and valuing to be misdirected. I may believe that playing video games is a waste of time, and even somewhat bad for people who play, while also believing that playing games is good, on balance, for my friend, in virtue of her passion for games. When I assist my friend with her gaming, I needn't take gaming itself to be a valuable pursuit; instead I can benefit her without lapsing into deference, so long as I think the joy she derives from games, or the kind of agency that she exercises in her passion for game-related-projects, are things she has a genuine interest in. It would be better, in my eyes, if my friend were to derive similar pleasure and exercise similar agency in service of projects that were more worthwhile. But this claim can be endorsed together with the view that, given her valuation of games, her enjoyment and agential exercise are good for her. This kind of stance has its limits, however. It would be difficult to sustain the view that advancing her gaming passion was, on balance, good for her, if I thought that gaming was morally reprehensible or an extremely disvaluable activity to engage in.

A society characterized by deferential political cooperation would be one where

citizens negotiate political arrangements to give each other what the other thinks is important, even when members regard doing so as deeply contrary to each other's genuine interests. Such a society would be more appealing, in one respect, than an imposing society, since no one's judgments about what is good for them would be disregarded. And this kind of mutual accommodation might be positively motivated as a way of respecting agents' authority to decide what their own interests amount to. Nonetheless, in this society of mutual accommodation, citizens would regard many of the aims of their joint political cooperation as wholly misguided and bad for their fellow citizens. So long as they regard these aims as deeply bad for their fellows, or as morally impermissible, this will block them from endorsing the judgment that their political cooperation advances civic friendship, which requires securing benefits that all parties regard as in the benefitted party's interest. As a result, deference threatens to alienate citizens from political cooperation, in a way that is corrosive to political community. Moreover, citizens in a society of mutual accommodation would lack a shared understanding of why what they were doing together was good. This can undermine or attenuate their sense that they act together as a self-governing political community, whose members cooperate by jointly affirming a shared deliberative standard.⁴

We might try to maintain a connection between mutual accommodation and civic friendship by treating the accommodation as on par with my assistance of my friend's video gaming hobby. Perhaps members of a diverse political society can agree that certain policies serve their fellow-citizens' interests, not because they think the goods delivered by these policies are themselves valuable for recipients, but because these goods benefit recipients indirectly. For instance, the goods in question might benefit recipients because

⁴ See Leland and van Wietmarschen, "Political Liberalism and Political Community" for further discussion of the idea of joint rule and its connection to public reason.

they generate positive experiences for others or allow those others to exercise their agency in ways that are good for them. This line of response may work for some interests, but when generalized it underestimates the extent to which reasonable pluralism blocks individuals' capacity to believe that while each other's judgments about what is worthy of pursuit are misguided, it is nonetheless good for them to get what they want. This is because many of the political topics which citizens disagree about involve profound moral disagreement and deep differences of opinion about what serves one another's interests. Decisions on topics like sexual morality, the killing of fetuses or animals, the worship of any particular divinity, the place of desert in matters of distributive and retributive justice, and many other issues, are not like decisions about whether to avidly pursue video games. As a result, citizens who disagree about these matters, and many other axes of sectarian conflict, will often be unable to accommodate one another in ways that avoid deference.

In small amounts, imposition and deference are compatible with a relationship that is friendly on the whole, though they may detract from the extent to which friendship is realized. But when widespread, they undermine the friendly character of citizens' relations. The more imposition is present, the more citizens are liable to experience others' efforts on their behalf as intrusive and domineering; the more deference is present, the more citizens are liable to experience their relationship with their fellow citizens as alienating and lacking in friendly mutualism.

(c) Political Concern

The cooperation involved in civic friendship is distinctively political in two ways. First, it invokes an idea of the citizens' interests *as citizens*. When civic friendship is present, citizens don't simply seek to advance the interests of particular individuals. Instead they aim to benefit one another, conceived merely as citizens belonging to the same polity.

In part, this intention reflects the scale and diversity of modern societies: citizens cannot seek to benefit one another conceived as concrete individuals, since they lack knowledge of one another's particularities.⁵ But there are also other suitably abstract conceptions of the people who political actions aim at benefitting—they can be conceived as agents with a meaning-giving capacity for free autonomous action, as persons created in God's image, and so forth. Political liberals opt instead for a political conception of the citizen, partly characterized by an interest in living in a society that embodies liberal democratic political values. This allows them to conceptualize a political project that advances the common good in a diverse citizenry, while avoiding the imposition and deference discussed in the previous section. They believe other ways of conceiving of co-citizens' interests aren't ones we could sensibly expect our fellow citizens to accept in the context of this diversity, even under favorable circumstances.

The cooperation involved in civic friendship is also political in a second way: civic friends seek to advance co-citizens' interests *by distinctively political means*. Civic friends needn't help one another in their personal lives. Instead, their efforts are directed at looking out for one another through political institutions sustained by their collective efforts.⁶

Cooperation through political means is another reflection of the scale of modern societies; it isn't feasible for a normal citizen to work together with many members of her political community without relying on political institutions to coordinate their joint

5 For similar suggestions, see: §4 of Samuel Scheffler "The Practice of Equality," in *Social Equality: Essays on What it Means to be Equals* (eds. C. Fourie, F. Schuppert, I. Wallimann-Helmer), Oxford: Oxford University Press, 2015; Sibyl Schwarzenbach "On Civic Friendship," *Ethics*, 107 (1996): p. 106.

6 Schwarzenbach, "On Civic Friendship"; Simon Căbulea May, "Moral Conflict, Civic Friendship, and Political Reconciliation," *Critical Review of International Social and Political Philosophy* 14, no. 5 (2011); Daniel Brudney, "Two Types of Civic Friendship," *Ethical Theory and Moral Practice* 16, no. 4 (2013); Andrew Lister, *Public Reason and Political Community*.

efforts. But civic friendship's institutional character also reflects a moral division between the political and interpersonal domains, which distinguishes civic friendship from interpersonal friendship, and acceptance of which is characteristic of political liberalism. Civic friendship is not a relation through which particular citizens are meant to be appreciative of particular individuals, nor, as we have already seen, are citizens meant to intend benefits for their fellows conceived as individuals. Instead, citizens' allegiance, concern, gratitude, appreciation, and so forth, is directed at their fellow co-citizens conceived abstractly, as members of the political group rather than as concrete individual actors. As a result, civic friendship (unlike interpersonal friendship) isn't a dyadic relationship—at least not in the first instance. Instead, friendship between citizens is mediated through the fact that they stand in the relationship of co-membership in a broader group.

(d) Response to Benefits

Civic friendship also makes demands on citizens' response to their fellows' concern. Members in a society of civic friends characteristically appreciate the efforts of their fellow citizens, when those efforts are directed in the way described in (a)-(c) above. They also typically take satisfaction in doing their own part in these efforts. And a community of civic friends is a community of trust. Members ordinarily trust that their fellow citizens are committed to doing their part in sustaining the political arrangements that establish friendship.

(e) Recapitulation

Summing up, we can say that a group stands in a relation of civic friendship when members:

- (a) non-instrumentally value and participate in fair social cooperation for mutual benefit;
- (b) according to a shared sense of one another's interests;
- (c) with these interests conceived as the interests of citizens, and advanced by political means;
- (d) with members disposed to find their own contribution to such benefits to be a source of satisfaction, to find others' contributions to be targets of appreciation, and to trust one another in political contexts.

The level of civic friendship present in a citizenry comes in degrees, since friendship's affective elements and social prevalence themselves come in degrees, and since citizens can vary in the strength and generality of their commitment to civic friendship. So, while civic friendship in its fullest extent may seem quite a demanding (perhaps even utopian) social ideal, the ideal can be realized to lesser extents under circumstances that are present in actual contemporary democracies.

3. From Civic Friendship to Public Reason

Compliance with public reason plays an important role in establishing and maintaining civic friendship, despite the pluralism that divides reasonable citizens. As a result, the value of civic friendship gives us a reason to comply with the principle of public reason.

Recall that the principle of public reason requires citizens engaged in political deliberation to rely solely on considerations they could reasonably expect each other to accept.⁷ Political liberals believe that the principle permits reliance on the political values

⁷ There are many details my formulation of the principle of public reason glosses over. For instance, I don't specify: whether the principle applies to all political decisions or to some subset; how the ideal of reasonable citizenship referenced in the principle should

generally affirmed in liberal democracies, such as freedom, equality, the value of social cooperation, efficiency in government programs, and security. These are public reasons that reasonable citizens accept and expect their fellows to agree on. Political liberals take the principle to rule out appeal to religious, philosophical, and moral considerations, when they are commonly disputed by those who affirm the liberal-democratic political values. These are private reasons, which citizens cannot reasonably expect one another to agree on.⁸

As I've said, civic friendship requires a shared conception of citizens' interests. Under some social arrangements, most citizens may share an understanding of these interests rooted in a shared national culture or value system. But the cultural, religious, philosophical, and moral pluralism present in free modern societies threatens the development of this kind of a shared conception. Adherents of different reasonable worldviews will naturally have varying judgments concerning what is good for their fellow citizens, and such disagreements are widespread and inevitable in modern liberal democracies. Without a shared sense of what is in one another's interest, citizens won't be able to relate on terms of friendship, because there won't be actions that citizens are able to jointly recognize as beneficial for all recipients.

The principle of public reason directs citizens to avoid reliance on controversial conceptions of one another's interests, drawing instead on considerations that any reasonable citizen could regard as genuine interests of beneficiaries, and which any reasonable citizen could expect beneficiaries to also accept as genuine benefits. Political

be construed; or whether the principle is qualified by a proviso allowing deliberators to draw on considerations they couldn't reasonably expect others to share, provided they offer public reasons "in due course." All of these issues are discussed at length in the literature, but I don't believe that what I say here depends on how they're resolved.

⁸ For similar suggestions, see Rawls, *Political Liberalism*, 50 and "The Idea of Public Reason Revisited," 776.

liberals hold that there are considerations that satisfy these criteria. All reasonable citizens—despite their deeper sectarian disagreements—affirm the political values that constitute public reasons as very significant values and expect as much of their fellow citizens. They care to live in a society that embodies these values, and take their reasonable fellows to have the same interest. As a result, the political values that political liberals take to count as public reasons constitute a shared conception of interest for all reasonable citizens.

This may sound like a stipulative result. Why think that reasonable citizens affirm, and expect each other to affirm, these political values? This is a question that political liberals need to answer, because public reason will not conduce to civic friendship unless the principle identifies interests that citizens take one another to share. Political liberals may argue that the ideal of reasonable citizenship, along with the political values associated with it, is one that all citizens have strong or obvious reasons to affirm. Or they might say that the ideal and values are ones people living in liberal democracies will tend, over time, to affirm. Perhaps there are other ways of responding to the question. In any case, most political liberals do actually accept these claims about their ideal of reasonable citizenship and the political values reasonable citizens accept and expect their co-citizens to accept. But my goal here is not to provide the best account of reasonable citizenship and endorsement of the associated political values. What matters, for my purposes, is what justifies the principle of public reason. The present proposal is that general compliance with public reason generates political decisions allowing citizens who live up to an inclusive social ideal, the ideal of reasonable citizenship, to relate on terms of civic friendship. Furthermore, compliance with public reason secures civic friendship among reasonable citizens despite the obstacles to this result arising from cultural, religious, philosophical, and moral pluralism.

When citizens comply with the principle of public reason in their capacity as voters

or officeholders, they make decisions that are conducive to civic friendship, since they appeal to a shared conception of reasonable citizens interests as citizens. Whether, and to what extent, these decisions realize civic friendship depends on the attitudes that citizens' take toward their political institutions, and the activities they take up in forming and maintaining those institutions. So compliance with the principle of public reason doesn't suffice, when taken alone, to realize civic friendship. But it does play a central role in establishing and maintaining that relationship.

Thus far, I've shown how the principle of public reason contributes to realizing civic friendship despite the obstacles to political community posed by reasonable pluralism. Whether this link between public reason and civic friendship suffices to justify the principle depends on several further things. First, how important civic friendship is. Second, whether costs associated with reasoning publicly outweigh the goods of civic friendship associated with compliance. Third, whether there are ways of securing the goods of civic friendship at a lower cost than the one expected from compliance with the principle of public reason. I'll now discuss the desirability of civic friendship and the question of securing it without the principle of public reason; section 5 discusses reasons against compliance with public reason.

Valuing civic friendship is a natural extension of the commitment to reciprocity in social cooperation that many of us already endorse. Many of us believe justice requires that institutions advance the common good, conceived as the interests of all who engage in mutualistic social cooperation. And we think just societies should advance these interests in a fair way, treating partners in social cooperation as equals. The idea of civic friendship extends this cooperative ideal by insisting the benefits of cooperation be regarded as genuine benefits by all parties involved in the cooperative endeavor. Put another way: valuing civic friendship not only involves thinking that society should be organized to promote the common good, but also that it should promote the common

good as commonly conceived by members of the political community. This makes sense if our reasons for valuing fair cooperation include a desire to live in a society that expresses members' shared concern to treat citizens as equals, and where members can reasonably identify with and affirm their role in social cooperation. Imposition is in tension with recognition of that equal standing. And both imposition and deference are at odds with citizens' identifying with and valuing their efforts to bring about cooperation with their fellows. So, since citizens complying with the principle of public reason thereby avoid imposition and deference, the commitment to valuing social cooperation between equals favors their compliance.

I think skepticism about the value of civic friendship is often motivated by concerns about the feasibility of civic friendship or the costs associated with its realization.⁹ Civic friendship may seem too distant a political goal for it to be important in a political world characterized by profound injustices calling for immediate response, not to mention hostile partisanship and incivility. But the conception of civic friendship sketched here is not so difficult to realize as to render it infeasible. It can be fostered when many citizens comply with the principle of public reason. And we find political currents that manifest civic friendship, albeit not as fully as they might, in contemporary liberal democracies¹⁰ (though we also find opponents of civic friendship and groups that are indifferent to its value). Nor is civic friendship at odds with attempts to remedy the most serious injustices that afflict contemporary political societies. After all, public reasons, like the civil and

9 On civic friendship and feasibility, see Daniel Brudney, "Two Types of Civic Friendship," §§10-11.

10 See, e.g., Joshua Cohen's discussion of the ideal of democratic inclusion in establishment clause jurisprudence in his "Establishment, Inclusion, and Democracy's Public Reason" in *Reasons and Recognition: Essays on the Philosophy of T.M. Scanlon*, Wallace, Kumar, and Freeman (eds.), (New York: Oxford University Press, 2011); or Andrew Lister's discussion of Canadian Parliamentary debate surrounding marriage equality in *Public Reason and Political Community*, chapter 6.

political liberties of citizens or the value of fairness in social cooperation, are the same values that are often drawn on by citizens who decry such injustice.

What about the thought that we might secure the benefit of civic friendship without citizens complying with the principle of public reason, in a way that imposes fewer costs than those associated with public reason? We've already seen that one attractive alternative, a society of mutual accommodation, faces challenges due to the extent of disagreement about the good life among citizens in liberal democracies, which make it unable to avoid lapsing into deference (see §2.b). A different route would substitute a "thicker" conception of citizenship in place of political liberalism's conception of the reasonable citizen, with her associated political interests. For instance, it might rely on the importance of community rooted in a shared sense of nationality, emphasizing an ongoing attachment to place, language, and shared cultural traditions that go beyond the political as understood by political liberalism. This kind of strategy might remain within the confines of liberalism, by insisting on the importance of tolerating those who don't affirm or identify with the national culture. But it would encourage citizens to participate in a political process that advanced national interests, as commonly conceived by members of the nation. The result would secure cooperation aimed at mutual advantage by members of the political community, in a way that would avoid imposition and deference. But it would draw the lines of political community more narrowly than political liberalism does, in a way that political liberals are liable to find objectionably exclusionary. While political liberalism's own conception of civic friendship acknowledges limits to the bounds of friendship—if one's co-citizens reject the importance of reciprocal cooperation on mutually appreciable terms, for instance, then one will not stand in relations of friendship to them—political liberals are liable to favor more inclusive strategies over less inclusive ones.

Thus far, I've pressed the community-based justification of public reason, first by

explaining the role the principle of public reason plays in fostering civic friendship within a society characterized by cultural, religious, philosophical, and moral pluralism. Then by arguing for the value of civic friendship and the attractiveness of public reason as a vehicle for establishing and maintaining civic friendship. I will turn to exploring implications of the community-based justification of public reason in §§5-7. But first, I will contrast the community-based justification with the most prevalent justification of public reason, which appeals to respect, rather than to political community, in explaining why citizens should comply with the principle of public reason.

4. Civic Friendship and Respect

Invocations of the duty to respect another are ambiguous. Sometimes they can simply be a way of insisting that an agent act in a way that gives the other their due, honors their moral entitlements, and so forth. On this "by-product conception", respect isn't an independent source of reasons. An agent respects another simply when she responds to the moral reasons she has (not) to treat the other in some way, where the content of these reasons can be cashed out without further appeal to the idea of respect, or cognate notions.¹¹ If this were all political liberals meant in invoking respect, then they wouldn't have answered the question of why we owe compliance with the principle of public reason to others. Instead, they would've simply indicated that such compliance is owed (for some reason, to be determined), and urged us to comply, given that it is owed. This can be seen from the fact that the community-based justification can happily allow that respect for our co-citizens, understood in this sense, requires complying with public

11 For discussion of the "by product view" see Joseph Raz *Value, Respect, and Attachment* (Cambridge: Cambridge University Press, 2001) p. 126.

reason.

Fortunately, however, many political liberals invoke respect in a more substantial way, in attempting to justify public reason. They tell us that we should obey the principle of public reason because failure to do so would amount to objectionable state interference with citizens' autonomy. When a person is subjected to political power on terms she couldn't be reasonably expected to accept, she is oppressed, demeaned, treated as a mere means, or treated in some other way that belies her authority to guide her own life. Compliance with public reason ensures that a justification is available for all citizens, so that political decisions satisfying the principle are consistent with equal respect for all.¹²

These respect-based justifications would, if successful, genuinely explain why we should comply with the principle of public reason, by grounding our reasons for compliance in agency-based entitlements held by individual citizens. However, they face considerable difficulties, that lie behind many critics' objections to public reason. While a full discussion of these difficulties falls outside the scope of this paper, I briefly present them here because they speak to the importance of the community-based justification as an alternative way of vindicating public reason. The concerns I raise here are not attempts to deny that an independent notion of respect places substantial constraints of political morality. I am only claiming that there are reasons to question whether respect justifies the principle of public reason.

One difficulty with the respect-based justification hinges on whether respect actually requires adherence to a principle of mutual justifiability in political decision-making.

¹² For some statements of the respect-based justification, see: James Boettcher "Respect, Recognition, and Public Reason" *Social Theory and Practice* 33, (2007): 223-249; Matthew Clayton, *Justice and Legitimacy in Upbringing* (Oxford: Oxford University Press, 2006), esp. §1.2.; Charles Larmore, "The Moral Basis of Political Liberalism" *Journal of Philosophy* 96 (1999): 599-625, esp. 602; Martha Nussbaum "Perfectionist Liberalism and Political Liberalism" *Philosophy and Public Affairs* 39, (2011): 3-45.

Respect for another's self-governance plausibly requires that we refrain from interfering with their choices, unless we have a moral justification for that interference. It may also require that we attempt to explain to them why that interference is justified, by our own lights. But perhaps taking seriously the autonomous status of our co-citizens does not forbid us from interfering in cases where we expect that our co-citizens might disagree, given their own reasonable points of view, provided we believe we are justified and have done our best to explain why.¹³

Even if respect does require a principle of mutual justifiability, some have argued that it supports some competing principle, rather than the principle of public reason discussed here. For example, theorists claim that respect supports a principle of convergence, requiring political decisions to be justifiable to each subject they are imposed upon, taking her whole set of commitments (public and private) into account.¹⁴ This principle would impose a different kind of constraint than the principle of public reason under discussion here, with its insistence that decisions be justifiable from reasons that are common ground among reasonable citizens.

Alternately, a respect-based justification might require modifying the ideal of reasonable citizenship that figures in the principle of public reason. Political liberals typically assume that reasonable citizens are intellectually modest about their private convictions and converge in endorsing a shared set of liberal democratic political values. But it isn't clear why this idea of reasonableness is appropriate, if what we are concerned

13 Christopher Eberle *Religious Conviction in Liberal Politics* (New York: Cambridge University Press, 2002), chapter 5; David Enoch "Against Public Reason" *Oxford Studies in Political Philosophy* 1 (2015): 138-140; Andrew Lister *Public Reason and Political Community*, pp. 63-64; Joseph Raz "Disagreement in Politics" *American Journal of Jurisprudence* 43 (1998), p. 43; Jeffrey Stout *Democracy & Tradition* (Princeton: Princeton University Press, 2004) pp. 72-75.

14 Gerald Gaus *The Order of Public Reason*, §14; Gerald Gaus and Kevin Vallier "The Roles of Religious Conviction in a Publicly Justified Polity" *Philosophy and Social Criticism* 35 (2009), 51-52.

about is respecting autonomous citizens subjected to political power. Are the intellectually immodest, or people who reject democracy as a social ideal, any less entitled to having their self-governance respected? Instead, it may be that a more inclusive and thinner ideal is required by respect for citizens as self-governors. For instance, we might think decisions must be justifiable to all citizens who are committed to living alongside one another on morally decent terms, without insisting that such people would agree on the liberal democratic political values or intellectual modesty that political liberals think characterize reasonable citizenship.¹⁵

The foregoing difficulties concern what (if any) kind of mutual justifiability is required by citizens' respect for their co-citizens' self-governance. These issues have occupied the greatest share of the debate concerning respect and public reason. An additional difficulty arises concerning the question of which decisions fall under the scope of a public reason principle. In particular, whether that principle restricts citizens' non-coercive political decisions.¹⁶ Many political liberals believe purely expressive political acts ought to satisfy the principle of public reason. So a publicly-funded parade exclusively deploying Christian religious symbols violates the principle, as would a politician who, in the course of her duties, says that religious objections to sexual liberation are ridiculous. The respect-based justification emphasizes the special justificatory burden on interference with citizens' choices. Because these types of state action are, at most, distantly related to such interference, the respect-based justification

15 For related discussion: Ebels-Duggan "The Beginning of Community"; Raz "Disagreement in Politics" 34-37; Enoch "Against Public Reason" 118-126; Erin Kelly and Lionel McPherson "On Tolerating the Unreasonable" *Journal of Political Philosophy* 9 (2001): 38-55; Leif Wenar "Political Liberalism: An Internal Critique" *Ethics* 126 (1995): 32-62; Van Schoelandt "Justification, Coercion, and the Place of Public Reason".

16 Colin Bird "Coercion and Public Justification" *Politics, Philosophy, and Economics* 13 (2014): 189-214; see also §2.2. of Jonathan Quong "On the Idea of Public Reason" in *A Companion to Rawls*, Mandle and Reidy (eds.) (Malden: Wiley-Blackwell, 2014) 265-280.

seems unable to explain the importance of public reason in these areas.

The community-based justification avoids these problems. Civic friendship clearly requires mutual justifiability, and the kind of mutual justifiability secured by the principle of public reason is plausibly the best or only way of securing civic friendship in contemporary liberal democracies. Moreover, while respect for citizens' self-governance seems bound up with exercises of coercion or authority, the good of political community makes demands that extend beyond the domain of political commands and threats. As a result, those who find objections against the respect-based justification compelling have reason to take the community-based justification seriously, inasmuch as it offers a different normative basis for public reason, that promises to avoid some of the problems associated with the appeal to respect.

The next three sections focus on the community-based justification's consequences for when citizens have reasons to comply with public reason. I discuss its effects on the stringency of the obligations to reason publicly, on the way reciprocity in compliance affects the obligation, and on how injustice affects the obligation. As I say below, I believe these consequences provide further, and heretofore unappreciated, reason to favor the community-based justification over the respect-based justification: the former yields a more plausible account of citizens' obligations to reason publicly than the latter does.

5. The Force of Public Reason

The respect-based justification of public reason sets the stakes of non-compliance very high. If deviations from public reason interfere with citizens' self-governance in ways that violate their entitlements as free and equal persons, then it's plausible to believe citizens must almost always comply with the principle.¹⁷ After all, government infringement on

¹⁷ See, e.g., the discussion in Charles Larmore's "The Moral Basis of Political Liberalism,"

citizens' self-governance rights is a typically quite serious. As a result, the respect-based justification suggests that compliance is required, even when citizens have very strong prima facie reasons for non-compliance, rooted in their private worldviews. Compare other liberties whose violation is especially morally grave: government infringement on citizens' freedom of conscience or bodily integrity is typically so morally serious that justice forbids it, even when there are strong countervailing reasons favoring infringement. On the respect-based justification, the principle of public reason nearly always defeats considerations that speak against compliance, in a similar way.¹⁸

The case for public reason from civic friendship does not support as stringent an obligation to comply with public reason, since it lowers the stakes of non-compliance. On the community-based justification, citizens' reasons for compliance center on fostering valuable civic relations. Civic friendship is an important social good, but it isn't important in the way that honoring citizens' fundamental rights is. As a result, it is not liable to explain how the reason for complying with the principle could generally defeat any competing considerations. So, when a citizen violates the principle of public reason from the belief that she has strong private reasons for doing so, the community-based justification suggests she behaves permissibly, provided her private reasons actually

607-608.

18 I take this view to be common among advocates and critics of political liberalism, and it is certainly affirmed by some political liberals. For instance, it is strongly suggested by Charles Larmore "The Moral Basis of Political Liberalism" §§2-3. For further discussion, see Kyla Ebels-Duggan "The Beginning of Community" (especially pp. 51-52 and note 2). It is difficult to find many authors who explicitly endorse this highly stringent view of the duty to reason publicly, perhaps because questions about the strength of the obligation to reason publicly are under-explored. Samuel Freeman endorses a more permissive view of the obligation to reason publicly in "Public Reason and Political Disagreement" in *Justice and the Social Contract* (Oxford: Oxford University Press, 2007), esp. p. 248. Even when advocates of the respect-based justification agree that the obligation to reason publicly is more defeasible than the stringent view allows, the argument here will still support the claim that the duty to reason publicly is less strict than advocates of the respect-based justification hold.

suffice to defeat the community-based reasons for compliance. In that case, the citizen should still regret her failure to reason publicly, but it will be an objectively permissible (perhaps even an obligatory) defection from the norm.

The defeasibility of citizens' reasons to comply with public reason is a plausible result. To be sure, some failures to reason publicly, like those involved in suppressing freedom of conscience, are deeply serious injustices we have very stringent reasons to avoid. The respect-based justification of public reason aptly diagnoses those decisions as incompatible with honoring citizens' rights. But the stringency in those cases is a product of the violation of their liberties, not of the mere failure to publicly reason. And there are cases where the principle can be transgressed without contravening citizens' autonomy-based rights, as with the non-coercive sectarian endorsement discussed above. Something goes wrong when officials cast aspersions on practitioners of a reasonable way of life (e.g., by expressing disavowal of particular types of sexual relationships or gender expression in a public speech), or symbolically affiliate government with particular creeds (e.g., by organizing a state supported festival around sectarian religious symbols). These officials have disobeyed the principle of public reason and thereby acted contrary to civic friendship. This gives them a strong reason to act differently. But no one's civil liberties are violated, nor are they prevented from controlling their lives as they choose. Accordingly, the reason to act differently, while strong, is significantly less powerful than in a case where freedom of conscience is suppressed.

The scenarios just mentioned are unlikely to provide reasonable decision-makers with sectarian reasons weighty enough to override the significance of civic friendship. There isn't a plausible sectarian case for the importance of disavowing citizens free sexual choices or affiliating government with a religious creed (although there is reasonable disagreement on the moral status of sexual choices or the correctness of religious creeds). However, there are other cases where it would make sense for a reasonable citizen not to

comply with the principle of public reason. Think of abortion, where some citizens reasonably believe that the sanctity of human life stands against the interests that might support a permissive abortion policy (e.g., sexual equality, or pregnant people's interest in controlling their bodies).¹⁹ These citizens may reasonably believe their community-based reasons for compliance with public reason, rooted in the value of civic friendship, are outweighed by the reasons against killing unborn persons. If their belief is true and justified, then they act in a way that is appropriate when they decide to impose restrictions on abortion based on their private reasons. Even if they are wrong, their reasonable beliefs may excuse them from blame, at least to some degree. But while there are some cases where community-based reasons for compliance may be (in fact, or by the lights of some reasonable citizens) defeated, there are many cases where they will not be. In these circumstances, the community-based justification imposes an obligation to comply with public reason, and licenses reproach for citizens who fail to comply with the obligation.

I believe this defeasible understanding of public reason is more plausible than the more stringent view that I associate with the respect-based justification. One familiar objection to public reason is that it is too demanding, or violates citizens' integrity by asking them to fully subordinate their private commitments to political ones.²⁰ Accepting the community-based justification allows us to accept this claim, when it is directed at advocates of a very stringent duty to reason publicly. But weakening the force of the duty

19 For an illuminating discussion of the difficulties of the abortion issue with respect to public reason, see Kyla Ebels-Duggan "The Beginning of Political Community" pp. 67 ff.

20 For one version of the integrity objection to political liberalism, see Kevin Vallier, "Liberalism, Religion and Integrity," *Australasian Journal of Philosophy* 90, no. 1 (2012): 149-165. See also pp. 8-9 of Jürgen Habermas "Religion in the Public Sphere" *European Journal of Philosophy* 14, no. 1 (2006): 1-25; and Nicholas Wolterstorff, "The Role of Religion in Decision and Discussion of Political Issues," in *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, MD: Rowman & Littlefield Publishers, 1997).

to reason publicly, in the way the community-based justification does, allows political liberals to avoid the most intuitive versions of this objection, while still explaining the appeal of the idea that decisions ordinarily need to be made using public reasons. According to the community-based justification, citizens aren't expected to disregard or ignore their sectarian commitments in a way that radically separates their political identity from their sectarian one. Instead, they are asked to weigh conflicting and weighty reasons against one another—reasons of political community against competing private reasons of various sorts—and make the choice which they believe the balance of reasons favors. So long as civic friendship is a weighty value, the result is a view that accommodates citizens' integrity to a greater degree than the respect-based view without depriving the obligation to reason publicly of its force.

6. Reciprocity and Reasons for Compliance

Advocates of public reason often assume that citizens must comply with public reason, regardless of whether they expect their fellows to comply.²¹ The respect-based rationale supports this view, by grounding the principle of public reason in basic personal entitlements. The obligation to honor such entitlements typically does not depend on the expectation of reciprocal respect for one's own entitlements. For instance, you needn't determine whether another person honors your own property rights to determine whether you may steal his property. Thieves retain a claim against being stolen from,

21 Canonical discussions, like Rawls's *Political Liberalism* and "The Idea of Public Reason Revisited" or Larmore's "Moral Basis of Political Liberalism," largely neglect the idea that a citizen's obligation to reason publicly would be conditioned on the expectation of compliance by her co-citizens. For a discussion that draws attention to this issue, see Andrew Lister, "Public Reason and Reciprocity" *Journal of Political Philosophy* 25 (2017), 155-172.

even if they couldn't articulate this claim without some hypocrisy. The community-based justification suggests something different: a citizen's reasons for compliance with public reason are conditioned on her co-citizens' reciprocal readiness to comply.

This conditionality of the duty to reason publicly results from the relational character of citizens' reasons for compliance with public reason. Typically, reasons stemming from the value of an egalitarian relationship, such as interpersonal friendship, only apply when both parties value and participate in the relationship. You may have reason to take on significant cost in order to protect a friend. But you lack those reasons if the other person doesn't exhibit the concern for you that friends are meant to have for one another. In that case, her lack of commitment or concern means that you aren't really friends with her. Something similar applies to civic friendship. The fact that a person's fellow citizens aren't prepared to act in support of civic friendship undermines her friendship-based reasons to obey the principle.

But what kind of reciprocity is required to generate reasons of friendship for compliance? In the course of defending an account that (like my own) seeks to justify public reason by appealing to civic friendship, Andrew Lister distinguishes two ways reciprocity might matter.²² If a reciprocity condition is bilateral, then a citizen owes compliance to any individuals who are prepared to likewise comply. If a reciprocity condition is multilateral, a citizen must comply so long as enough of her co-citizens do likewise. Lister has endorsed a bilateral reciprocity condition on the principle of public reason. He suggests that civic friendship supports public reason so long as at least two citizens are prepared to comply with the principle of public reason. By complying in the two-person case, each enters a relation of civic friendship with the other; in cases where more than two comply the same story applies, but more civic friendships are established

²² See *Public Reason and Political Community*, 123-124.

between citizens.²³ This view narrows the practical difference between the respect-based account and the community-based one, on the issue of reciprocity and reasons for compliance. Since it will almost always be the case that at least one other person will be prepared to comply with the principle of public reason, citizens will almost always have reason to comply, even when most others are not expected to comply.²⁴

However, because civic friendship involves concern for one's co-citizens in general, rather than as concrete individuals (see §2.c), it seems appropriate to interpret the reciprocity condition multilaterally rather than bilaterally. When citizens value living in a political community characterized by mutual concern, along the lines specified above, their concern should be with *enough* of their co-citizens being likewise committed to realizing that type of community.

Lister's bilateral view, by contrast, seems to conceive of civic friendship as a dyadic relationship. I believe this misconstrues the way we understand our relationship to members of our political community. It isn't that citizens complying with public reason imagine their relationship to particular individuals with whom they have no contact, thinking "I will act politically so as to foster friendship with her." That bilateral conception would personalize what is essentially a political relationship, in a way that conflicts with the character of civic friendship. It would also make citizens' lack of information about the particularities of those with whom they share civic friendship much more peculiar than it is on the multilateral conception. It is one thing to see yourself as part of a familiar

23 Ibid., 121-124.

24 In his recent "Public Reason and Reciprocity," Lister suggests the duty to reason publicly applies unconditionally, regardless of whether anyone is expected to reciprocate (see §5). He now thinks the reciprocal character of the duty is reflected solely in its content—namely, in the fact that the principle of public reason directs citizens to be concerned with the agreement of reasonable citizens, who are likewise concerned with the mutual justifiability of political decisions. This view also mirrors the respect-based justification in giving citizens reason to comply regardless of whether their fellows (are expected to) reciprocate.

group or movement, whose members stand in a relation of friendly community with one another, even though you know nothing that would distinguish many of the individuals with whom you share this relationship. It is stranger to think you stand in a large number of meaningful bilateral relations to each of those individuals, given that you lack this information about their individuality. So I believe it is more plausible to say that citizens aim to benefit their fellow citizens, conceived abstractly as members of a political community, and to benefit them through the operation of political institutions and practices. This suggests that the compliance they are concerned with should be multilateral compliance by enough of their fellow citizens.

Despite the apparent appeal of the multilateral condition, Lister rejects it, because he thinks such conditions apply only where a rule is justified by the non-relationship-based costs and benefits that can be expected from compliance.²⁵ Consider, for example, cases of renewable common resource management, where agents may consider whether they should follow the rule “only take a sustainable share of the resource, leaving enough for the resource to replenish itself when other community members take a similar share.” There can be strong reasons of fairness to follow this rule if you have assurance that most of your fellow community members will do likewise. In that case, the social benefits associated with general rule-following are likely to be considerable: participants will have sustainable access to the resource in question. If we think, plausibly, that the aim of the rule is to secure those benefits, then agents arguably have strong reasons to comply with it. But to the extent that they lack assurance of compliance by enough community members, the benefits that the rule's justification relies upon won't be expected, so agents no longer have reason to comply.

The civic friendship rationale for public reason is, by contrast, concerned with

²⁵ Lister, *Public Reason and Political Community*, 123-124.

relationship-based benefits: citizens should comply with public reason as a method of cultivating a valuable form of political community. So if Lister were correct that multilateral reciprocity conditions were only appropriate when non-relationship goods were at stake, then he would have explained why we should reject a multilateral reciprocity condition. However, there are relationship-based reasons to care about multilateral reciprocity. Sometimes we care about being a part of a group that has a particular character, as a result of the interactions of its members. I may want to be part of a neighborhood where residents generously pitch in to help one another or part of a family whose members are always forthcoming with one another about what's going on in their personal lives. Whether I have a strong reason to help a neighbor with a project, when doing so is costly to me, may depend on whether I think a sufficient number of my neighbors are committed to doing likewise. In a neighborhood where the norm is for residents to keep to themselves, I may sensibly decline to help a neighbor because doing so would be excessively burdensome to me, even though I might pitch in to help the same neighbor at the same costs, were the neighborhood norm different. The change here needn't be about the costs associated with doing my part or the non-relationship-based benefits, as in the common resource case. Instead, the difference is a matter of the character of the neighborhood that I belong to. I take on costs because I value belonging to a group whose members help each other. This is a concern with relationships, albeit with relationships mediated by membership in a group rather than interpersonal relationships.

In the case I've been discussing, there may also be bilateral reasons for pitching in. If you strongly value belonging to a neighborhood where residents pitch in to help one another, perhaps you ought to attach at least some value to bilateral relationships where you and particular neighbors help each other out. But some cases where multilateral reciprocity gives you reasons for complying with a norm don't seem to be cases where

bilateral reciprocity provides similar reasons.

Consider the residents of "The City of Light," Perth, Australia, who simultaneously turned on lights all over the city in 1962 (and again in 1998), so that the astronaut John Glenn could see their city from space, while orbiting Earth.²⁶ Residents of Perth had reason to turn on their lights because they expected most of their fellow Perthians would do likewise. One explanation of their behavior doesn't reference relationship goods: they wouldn't have succeeded in illuminating their city for Glenn unless a large number of them worked together. But I think this misses the important relationship-based reason that the Perthians had to engage in the activity in the first place: doing so was a way of doing something together *as a city* which they wouldn't have had reason to do with just a few of their fellow Perthians, even if they'd been able to pull it off. And I suspect that a sense of fellow-feeling and togetherness that arose from the city's joint activity was the reason why most Perthians did their part.

There is, then, a case for a multilateral reciprocity condition, tied to valuing membership in a particular kind of cooperative group—in the case I'm concerned with, the group of citizens who live and govern together on terms of civic friendship. Unlike a bilateral reciprocity condition, multilateral conditions reference some threshold of expected compliance, which, once met, will give a citizen reason to comply. I won't attempt to specify that threshold with regard to the principle of public reason. In part, my reason for avoiding specification is principled: I believe citizens can reasonably differ over how much compliance they expect before they contribute. What reasonable citizens share is a willingness to pitch in in cases of widespread compliance. That is compatible with their having different thresholds at which they are no longer willing to take on the

26 For a description of this project, see <http://www.lifeonperth.com/cityoflight.htm>. Thanks to Mark Budolfson for suggesting this example.

cost of complying with public reason. These differences are liable to reflect the different ways citizens conceive of the kind of community they want to inhabit, different weightings they give to the value of civic friendship, and differences in the extent to which they find compliance at odds with their personal values and convictions. A second reason is more pragmatic: even in cases where expected compliance falls below most citizens' thresholds, publicly avowing and complying with the principle of public reason, together with a movement of likeminded citizens, is one plausible strategy for changing the political culture so as to increase expected compliance. Doing so may draw attention to the principle and its attractions, while persuading more citizens that a greater degree of overall compliance is within reach, thereby increasing the number of citizens willing to comply.

I've argued that the community-based justification makes citizens' reasons for compliance sensitive to the expectation of multilateral reciprocity. This proposal may seem to set the conditions for a duty to reason publicly so high that the duty is unlikely to be triggered under realistic circumstances, where many people reject public reason. I don't believe this is true for two reasons. First, in many contemporary liberal democracies, there is a widespread commitment to excluding many sectarian considerations from politics. To be sure, this commitment may be more controversial in some societies than others, and there may be disagreement over just which considerations count as worthy of exclusion. Despite this, a country like the United States has a very large constituency of citizens who think that political considerations should be resolved without recourse to many sectarian commitments, together with a judicial tradition that affirms a similar commitment, and a commitment of the same kind held by many legislators. The presence and public awareness of these commitments is liable to suffice to trigger many citizens' thresholds for reciprocal compliance. Second, even in cases where the numbers fail to exceed the threshold, they are liable to be high enough that

there are strategic reasons for political movements to comply with the principle, as a means of cultivating the political environment where compliance is more prevalent.

That said, increasing levels of hostility in politics and the increasing prevalence of friend/enemy framings of political issues threaten the long-term viability of civic friendship as a goal. As a result, they also threaten community-based reasons to comply with public reason. These dynamics are on the rise in contemporary U.S. politics, and the value of civic friendship provides us one reason to resist them.

Another concern about the proposal on offer is that it fails to provide individual citizens with reasons to comply with public reason when their personal behavior will not make a morally relevant difference to the degree of civic friendship present in their society. If this were true, then very few citizens would have a community-based reason to comply with public reason (regardless of the degree of compliance from their co-citizens), since the size of modern societies makes the expected consequence of each individual citizen's contribution morally insignificant. This concern gains plausibility from the community-based justification's broadly consequentialist character—its explanation of citizens' reasons to comply with public reason by appealing to the value of the relationship compliance supports—since these inefficacy objections are commonly raised against consequentialist theories.

It is important to recognize, however, that the community-based justification does not say that citizens should comply as a way of impersonally promoting the amount of civic friendship in the world. Instead, it directs them to comply as a way of establishing a valuable relationship of civic friendship, mediated by membership in a common political community, with their co-citizens. The expectation of enough non-compliance by their fellow citizens can undermine their reasons for compliance, by undermining the possibility of joining in that relationship. But citizens will still have reason to comply, when they expect most of their fellow-citizens to do likewise. This is because their non-

compliance would mean that they aren't actually participating in the valuable relationship, even though it would not change the fact that the other members who do comply relate on terms of friendly community to one another. As a result, while the community-based justification fails to provide citizens with strong reasons for compliance when few others are prepared to comply, it continues to provide citizens with strong reasons when significant compliance is expected, in a way that a theory which simply directed citizens to promote civic friendship in the world would not do.

I believe that conditioning the duty to reason publicly on sufficient reciprocity, as the community-based justification does, makes the principle of public reason more plausible than it is when it is conceived as applying regardless of whether one's co-citizens will reciprocate. The conditional obligation reflects the common thought that public reason is a kind of compromise between citizens, since compromises are characteristically conditioned on the expectation of reciprocity. It also explains the importance of providing assurance that most citizens are sincerely committed to compliance with public reason (a feature which some political liberals emphasize): without the provision of such assurance, citizens will question whether their obligation to reason publicly has force.²⁷ By contrast, the respect-based justification, by making the duty to comply with public reason unconditional does not fit with these ideas.

7. Reasons for Compliance in Unjust Conditions

²⁷ Of course, this also creates an additional issue for the community-based obligation to reason publicly: it only obtains when assurance of compliance is provided for citizens. For discussion of assurance and public reason see: Gillian Hadfield and Stephen Macedo, "Rational Reasonableness: Towards a Positive Theory of Public Reason" *Law and Ethics of Human Rights* 6 (2012), 7-46; Lister, "Public Reason and Reciprocity"; Weithman, *Why Political Liberalism?*.

A further consequence of the community-based justification concerns how injustice can affect some citizens' reasons to comply. Citizens targeted by systematic and pervasive injustice lack friendship-based reasons for compliance with the principle of public reason, or have those reasons significantly weakened.

Social injustice is systematic, in the sense used here, when it targets individuals in predictable and non-arbitrary ways; it is pervasive when its effects carry over into many aspects of citizens' lives. It is possible for it to be the case that many people are compliers with the norm of public reason, while their society also subjects some to systematic and pervasive injustice. For example, this can happen when most citizens are insufficiently sensitive to the civic interests of some of their co-citizens, despite relying only on public reasons when making political decision, or when there is a legacy of past injustice, which is allowed to continue to profoundly affect members of disadvantaged groups in the present. In these cases, even though there is a high level of social compliance with norms of public reason, citizens targeted by systematic and pervasive injustice may have diminished reasons of civic friendship to reciprocate, or no reasons at all—at least when information about the injustice is publicly available and there are not popular political movements taking significant steps to remedy the injustice.

The problem in this case is that citizens subjected to systematic and pervasive injustice can legitimately interpret their political treatment as a failure of others to take their civic interests seriously. If victims' co-citizens did respond to this injustice with the seriousness it deserves, the thought goes, then they would be doing something to remedy it. A widespread failure to respond to injustice indicates that most citizens don't attach significant value to benefitting some of their fellows on fair terms, much less to benefitting them on terms that all involved parties can regard as genuinely beneficial. Accordingly, even if many of their co-citizens instantiate civic friendship among each other, and comply with the principle of public reason from a concern for such friendship,

victims of systematic and pervasive injustice will have their reasons of civic friendship weakened or defeated entirely, until their co-citizens begin to seriously advocate for remedying the injustice.²⁸

Some critics of political liberalism allege that the view asks more of Indigenous citizens than it is entitled to.²⁹ The result under consideration here vindicates that claim. Given Indigenous citizens' unique histories and political circumstances, their seriously unjust treatment in many contemporary political societies, and the fact that it is often reasonable not to trust that these injustices will be addressed in the near future, their community-based reasons to comply with public reason will be attenuated or wholly undercut.

I take these criticisms of political liberalism's demands on Indigenous citizens to be intuitively credible, so I believe the fact that the community-based justification can vindicate them, while still explaining the general appeal of the principle of public reason, to be a point in its favor. The respect-based justification, by contrast, does not seem able to explain why the demands of public reason might not apply (or might only apply in a weaker way) to citizens targeted by systematic and pervasive injustice.

If majorities have credibly addressed injustice and attempted a political reconciliation, there may be good reasons for those previously targeted by systematic injustice to accept the hand of civic friendship. In that situation, there is still liable to be a cost associated with compliance with public reason for these citizens: certain values that they care about may need to be left out of their political advocacy and decision making. But in the case where they are treated justly, these costs are closer to those paid by other citizens who

28 For a similar argument about the duty to obey the law, see Tommie Shelby, "Justice, Deviance, and the Ghetto Poor," *Philosophy and Public Affairs* 35, no. 2 (2007): 126-160.

29 Duncan Ivison, *Postcolonial Liberalism* (Cambridge: Cambridge University Press, 2002), chapter 4; Matthew Tomm "Public Reason and the Disempowerment of Aboriginal People in Canada," *Canadian Journal of Law and Society*, 28 (2013): 293-314.

must leave certain aspects of their religious and philosophical views outside of political decision-making.

As a result of the foregoing, the community-based justification gives political liberals cause to support movements for social and political reconciliation against a background of social and historical injustice. If political liberals want to see citizens obligated to comply with public reason, they may need to pursue that kind of reconciliation, taking steps to extend fair terms of social cooperation to all citizens on terms that any citizens could be reasonably expected to accept. Until that offer of friendship has been credibly extended (and we might imagine that demonstrating the credibility of the offer will take an extended demonstration of concern over time, together with a willingness to take the views and judgments of excluded groups seriously), citizens on the receiving end of pervasive and systematic injustice will have weaker reasons of civic friendship to comply with public reason, or may lack these reasons altogether.

8. What if the Respect-Based Justification can be Defended?

Thus far, I've framed the community-based justification as a competitor to the respect-based justification, claiming that the community-based justifications escapes problems that afflict the respect-based justification and yields more plausible consequences about when and how citizens have reason to comply with public reason. But where would things stand if the respect-based justification could be defended from the objections it faces?

To answer this question, we should observe that the two justifications are compatible with one another. It is possible to accept that citizens have reasons of respect *and* political community for complying with public reason. So the success of the respect-based

justification wouldn't imply the failure of the community-based justification. But the compatibility of the two justifications, together with the comparatively stronger consequences of the respect-based justification discussed above, may seem to render the consequences of the community-based justification uninteresting and practically inert. For example, the defeasibility of the community-based reasons to comply with public reason might not make a difference, since the respect-based reasons would support the obligation to comply with their characteristic stringency, even when the community-based reasons were defeated.

However, the community-based justification retains interest, even if the respect-based justification can be successfully defended. One reason for this is that the community-based justification yields stronger implications, in at least one area, than the respect-based justification. As I've discussed in §4, it applies quite clearly to cases of state expression, where government action doesn't interfere with citizens' control of their own lives, whereas the respect-based justification doesn't seem equipped to cover those cases.

Even where the community-based justification doesn't produce unique obligations for citizens, it might provide a complementary motivation to the respect-based justification. Moreover, since this additional reason is more closely linked with citizens' personal good than the respect-based rationale is, we might expect this result to bolster citizens' commitment to public reason. Citizens who struggle with complying with the demands that respect places on political justification might have their allegiance to public reason strengthened by recognition that compliance also conduces to their enjoyment of civic friendship, which they take to be good for themselves and others. This result should be of special interest to political liberals, given their concern with the capability of just societies to maintain themselves over time by winning the affirmation

of their citizens.³⁰

There is also a more theoretical reason for interest in the community-based justification, supposing advocates of the respect-based justification remain unmoved by its difficulties. Political liberals typically claim there is reasonable disagreement over what justice requires; citizens who begin deliberating from public reasons can nonetheless come to different conclusions about which principles or policies these reasons favor.³¹ This reasonable political disagreement has limits. For instance, political liberals take all reasonable citizens to recognize a core set of civil and political rights, possessed by all their fellow citizens. But citizens can reasonably disagree on some other questions—most notably on matters of distributive justice, but perhaps also on how the basic liberties should be interpreted in difficult or peripheral cases. However, most political liberals have not considered whether there might be different conceptions of public reason affirmed by reasonable citizens. Might there be a kind of overlapping consensus on the principle of public reason itself, with disagreement around the edges concerning how the principle should be understood, just as there is with respect to liberal conceptions of distributive justice? This theoretical possibility is worth considering, and doing so requires questioning whether there are multiple plausible justifications of public reason. The arguments above make a case for a community-based justification that could stand alongside the respect-based justification as one reasonable understanding among several.

9. Conclusion

30 On the importance of this kind of stability to political liberalism, see Weithman, *Why Political Liberalism?* and Rawls's introductions to *Political Liberalism*, esp. xv-xviii.

31 See, e.g., Rawls *Political Liberalism*, Lecture VI §4.5.

Some critics of political liberalism's principle of public reason have assumed that they can undermine the principle by showing how the respect-based justification of the principle fails.³² This assumption is understandable, inasmuch as many political liberals have been quick to rely on the importance of respect when explaining why the principle is justified. But I've argued here that political liberals have more resources to draw on when explaining the intuitive appeal of the idea that political decisions should be made based on reasons that are common ground among reasonable citizens. Appeal to the value of civic friendship provides at least one plausible alternate justification of public reason, which is worthy of consideration regardless of whether the respect-based justification can be successfully defended against its criticisms.

However, a shift in the explanation of the principle has consequences for the kinds of duties to reason publicly. If a community-based justification is the only normative basis for public reason, then the obligation to comply is less stringent than many have assumed. It will depend on the expectation of multilateral reciprocity, and will be weakened or undermined entirely for citizens subjected to systematic and pervasive injustice. I believe these results strengthen the appeal of political liberalism, and that their plausibility reinforces the appeal of the community-based justification of public reason over the respect-based justification.

Even if political liberals can defend the respect-based justification, the community-based justification retains interest as a source of obligations in cases of expressive state action, as a motivational complement to citizens' reasons of respect, and as a reasonable competitor to the respect-based understanding. In all of these guises, the contours of citizens community-based reasons sketched above retain their importance.

³² See critics mentioned in notes 13 and 14 above.