

Shared intentions, public reason, and political autonomy

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ABSTRACT

John Rawls claims that public reasoning is the reasoning of 'equal citizens who as a corporate body impose rules on one another backed by sanctions of state power'. Drawing upon an amended version of Michael Bratman's theory of shared intentions, I flesh out this claim by developing the 'civic people' account of public reason. Citizens realize 'full' political autonomy as members of a civic people. Full political autonomy, though, cannot be realised by citizens in societies governed by a 'constrained proceduralist' account of democratic self-government, or the 'convergence' account of public justification formulated recently by Gerald Gaus and Kevin Vallier.

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1. Introduction

[T]he words "subject" and "sovereign" are identical correlatives, the meaning of which is brought together in the single word "citizen". (Rousseau [1762] 1968, 138).

Public reason, according to John Rawls, 'is the form of reasoning appropriate to equal citizens who *as a corporate body* impose rules on one another backed by sanctions of state power' (Rawls 2001, 92 [my emphasis]). In this paper I flesh out this conception of citizens' shared political autonomy by formulating what I call the 'civic people' account of public reason. On the basis of a distinctly political conception of mutual respect that I call 'civic respect', citizens can constitute a kind of corporate moral agent – a self-governing civic people – despite their adherence to different religious, moral, and philosophical views. As members of a civic people, citizens decide fundamental political questions by means of shareable public reasons.

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Since the conception of civic respect and the civic people account of corporate moral agency that I outline in this paper are advanced as contributions to the theory of political liberalism,¹ I summarize the relevant elements of that theory in Section 2. Drawing upon these elements, I outline in Section 3 the main features of civic respect. Civic respect is a form of mutual ‘recognition respect’ that should govern free and equal citizens’ shared exercise of political power within pluralist societies. I then show in Section 4 how a robust form of shared political autonomy can be realized within contemporary pluralist societies based upon citizens’ mutual civic respect. Drawing upon Michael Bratman’s theory of shared agency (Bratman 1999, 2004, 2014), I formulate the idea of a civic people. This idea, I propose, vindicates Rawls’s claim that legitimate political power is ‘the power of free and equal citizens *as a collective body*’ (Rawls 2001, 40 [my emphasis]).² A civic people is constituted by citizens’ ‘shared policy’ to decide fundamental political questions by means of shareable public reasons. In Section 5 I address an objection to my account of a civic people, namely, that Bratman’s theory of shared agency cannot be applied to groups as large as political societies. I overcome this objection by modifying Bratman’s theory so that it can apply to certain kinds of large-scale groups.

In Section 6 I compare the civic people account of shared political autonomy to what I call the ‘constrained proceduralist account’. According to the constrained proceduralist account, citizens share a policy to decide fundamental political questions through fair democratic procedures, but such decisions are ‘constrained’ by the equal protection of the basic liberal democratic rights of all. Political decisions within the constrained proceduralist account need *not* be made via shareable public reasons; instead, citizens can justify their political decisions with reasons drawn exclusively from their respective comprehensive doctrines. I reject the constrained proceduralist account for two reasons. First, the constrained proceduralist account does not realize citizens’ political autonomy as fully as does the civic people account. Second, a civic people likely will enjoy greater stability over time than will a society characterized by the constrained proceduralist account.

I then consider in Section 7 the ‘convergence’ account of public justification advanced in recent years by Gerald Gaus and Kevin Vallier (Gaus and Vallier 2009; Gaus 2010, 2011; Vallier 2014, 2015). According to this account, non-shareable (‘non-public’) reasons may be employed when justifying political decisions – *so long* as those reasons all ‘converge’ in supporting those decisions (in contrast, the constrained proceduralist account does not require such convergence). The convergence account of public justification, like the constrained proceduralist account, permits a greater range of reasons to be employed by citizens when deciding fundamental political matters than does the civic people account. Insofar as citizens are committed to realizing the ideal of shared political autonomy, though, they should reject the convergence account. This is because the kind of shared policy that can constitute a civic people is *not* possible within the convergence

account of public justification. Citizens committed to the ideal of shared political autonomy, I conclude, should endorse the civic people account of public reason.

2. Political liberalism

According to the theory of political liberalism, liberal societies are characterized by what Rawls calls the ‘fact of reasonable pluralism’: the fact that persons living in such societies, as a consequence of the free exercise of their reason, invariably will subscribe to a variety of different, typically incompatible, philosophical, moral, and religious ‘comprehensive doctrines’ (Rawls 2005, 36–37, 440–441). In order to accommodate the fact of reasonable pluralism, Rawls holds that the main political and economic institutions of a liberal society should be governed by what he calls a ‘political conception of justice’. A political conception of justice satisfies (what I will refer to as) the ‘basic structure restriction’ and the ‘freestanding condition’. According to the basic structure restriction, a political conception of justice should apply only to the basic structure of society – its main political and economic institutions, taken together as an overall system of cooperation – and not to social, philosophical, or moral concerns that lie beyond this domain.³ A political conception of justice satisfies the freestanding condition by being formulated in terms of distinctly ‘political’ ideas (including ideals, values, principles, and so forth). Such political ideas, like that of society as a ‘fair system of social cooperation’, do not presuppose or depend upon the truth of any particular comprehensive doctrine (for instance, Buddhism or utilitarianism). These ideas instead are construed as implicit within the public political culture of democratic society. Political conceptions of justice are compatible with the (‘reasonable’) comprehensive doctrines endorsed by that society’s citizens (Rawls 2005, 11–15, 374–376, 453).⁴

The ‘intrinsic (moral) political ideal’ of political liberalism, according to Rawls, is the ‘criterion of reciprocity’ (Rawls 2005, xlv). This criterion requires that citizens offer terms of social cooperation, terms drawn from political conceptions of justice, that they think other citizens will find acceptable. The relevant constituency of citizens are those whom Rawls calls ‘reasonable persons’. Such persons acknowledge the fact of reasonable pluralism and are committed to satisfying the criterion of reciprocity when justifying fundamental political decisions (Rawls 2005, xlv, 16, 49–50, 54).⁵ Any political conception of justice capable of satisfying the criterion of reciprocity is what Rawls calls a ‘reasonable’ conception.⁶ A reasonable political conception of justice can secure the acceptance, if not the endorsement,⁷ of all reasonable persons in a pluralist society, irrespective of their broader religious or philosophical convictions. And a reasonable political conception of justice, by being acceptable to all reasonable persons, can satisfy the ‘liberal principle of legitimacy’.⁸

Finally, a society with a basic structure that is organized by a reasonable political conception of justice is capable of being (or becoming) a ‘well-ordered

society.⁹ A well-ordered society, roughly, is a society with a basic structure that is supported freely over time by the reasonable persons within it. In a well-ordered society, reasonable persons maintain and participate in their society's basic structure not because the state threatens them with coercive sanctions, but because they judge the political conception of justice that organizes their basic structure to be acceptable to them, despite their adherence to different comprehensive doctrines. The basic structure of a well-ordered society thus can be understood as a 'fair system of social cooperation between free and equal persons' (Rawls 2005, 9). It is a *fair* system of social cooperation because the terms of social cooperation, the principles of a political conception of justice, are acceptable to the reasonable persons subject to them.

3. Civic respect

According to Rawls, citizens in a well-ordered society cooperate with one another in maintaining their society's basic structure on the basis of mutual respect (Rawls 2001, 28, 91). In this section I outline the main features of a conception of mutual respect – civic respect – appropriate for political liberalism.¹⁰ It is a conception that can serve as the basis for social cooperation between free and equal citizens in their collective exercise of political power despite their endorsement of different comprehensive doctrines.¹¹

Building upon political liberalism's idea of reasonable persons, the conception of civic respect is characterized by five features.¹² The first feature is that civic respect requires that citizens acknowledge the fact of reasonable pluralism. Acknowledging that this pluralism is 'reasonable' means, *inter alia*, that citizens understand and accept that decisions regarding the basic structure of their society – decisions that involve the exercise of public political authority, and hence, when necessary, the power of the state¹³ – should satisfy the freestanding condition.¹⁴

Second, civic respect is a kind of respect that Stephen Darwall calls 'recognition respect' (Darwall 2006). Recognition respect is a form of respect that involves acknowledging and according to persons a certain status and authority in one's deliberations and actions towards them, or in one's deliberations and actions that concern them in some normatively significant way, in virtue of those persons' capacities to be reasonable.¹⁵ In other words, recognition respect involves respecting others as having a kind of 'dignity', and hence possessing an authority to hold others accountable for their actions and decisions with respect to them. Such recognition respect, moreover, is owed *equally* to all agents who can occupy the relevant second-person standpoint (roughly, the standpoint of mutual accountability).¹⁶ Civic respect is a form of recognition respect in that it is owed to persons in virtue of their standing and authority as free and equal citizens. One practices such respect by taking this standing and authority into account when deciding fundamental political questions in concert with one's

fellow citizens. Equal ‘civic’ recognition respect is owed to all adequately reasonable persons in one’s political society.

Third, because civic respect is owed to persons qua citizens, it is limited in its scope of application to persons’ relations within the basic structure of society. According to political liberalism, roughly, persons’ lives qua citizens are delimited by their participation within their society’s basic structure.¹⁷ Civic respect, then, can be distinguished from other, more ‘comprehensive’ forms of recognition respect, including those that apply to all aspects of persons’ lives, such as that required by Kant’s ‘Formula of Humanity’ (Kant 1998, 36–43).¹⁸

Fourth, civic respect requires that citizens recognize the criterion of reciprocity as a prescriptive norm for governing their public political relations with each other, as manifested in the various institutions that make up the basic structure. (The criterion of reciprocity, recall, holds that citizens must offer terms of social cooperation, and in particular political principles of justice, that they think other citizens will find acceptable.)

The fifth feature of civic respect – which I suggest in the next section should be understood as a ‘shared policy’ among reasonable citizens based upon the first four features of civic respect – is that citizens are committed to the idea of public reason. Public reasoning, according to political liberalism, is the shared form of reasoning that the citizens of a pluralist democratic society should use when deciding ‘constitutional essentials’ and ‘matters of basic justice’ (Rawls 2005, 214, 227–230). Public reasoning makes the realization of the ideal of fair social cooperation amongst free and equal citizens possible in pluralist societies; accordingly, Rawls holds that it should be understood as ‘part of the idea of democracy itself’ (Rawls 2005, 441). By employing public reasons when deciding fundamental political questions, citizens relate to one another as equal co-sovereigns and ensure the legitimacy of their shared exercise of political power.

Public reasons are freestanding with respect to particular comprehensive doctrines as they are drawn from the reasonable political conception of justice (or family of conceptions) endorsed by citizens (Rawls 2005, 450f),¹⁹ as well as more general civic virtues (such as transparency and toleration) and modes of inquiry (such as rules concerning evidence, logic, and the like). By deciding fundamental political questions with public reasons, citizens express their (recognition) respect for each other as *equal* members of political society, despite their adherence to different comprehensive doctrines. Citizens thereby fulfill what Rawls calls their ‘duty of civility’ (Rawls 2005, 444–445).²⁰

To summarize, civic respect:

- (1) Requires that citizens acknowledge the fact of reasonable pluralism;
- (2) Is a form of recognition respect;
- (3) Is limited in its scope to citizens’ public political relations with one another, that is, their relations within the basic structure;
- (4) Requires that citizens comply with the criterion of reciprocity;

And on the basis of (1)–(4):

- (5) Requires that citizens employ public reasons when deciding fundamental political questions.

When citizens are committed to interacting with one another on the basis of civic respect, it is possible for them to enjoy and exercise what Rawls calls ‘full political autonomy’. There are two elements to citizens’ full political autonomy. The first is an ‘institutional’ element: to be politically autonomous, citizens must enjoy the rights and resources that enable them to take part as (roughly) equal contributors to their society’s main political decision-making processes.²¹ The second element of full political autonomy is ‘justificatory’ in nature: citizens are politically autonomous when fundamental political decisions – decisions to which they are subject – are made via reasons that they find acceptable.²²

Citizens exercise political autonomy, institutionally, ‘by participating in society’s public affairs and sharing in its collective self-determination over time’ (Rawls 2005, 78). The conception of civic respect helps explain how institutionally autonomous citizens can share in society’s collective self-determination over time in a way that enables all citizens to enjoy justificatory political autonomy as well – namely, by being parties to a shared policy to decide fundamental political questions via public reasons and by participating in the formation of such decisions in accordance with this policy. Consequently, my aim in the next section is to explain why a shared policy to decide fundamental political questions by means of public reasons, civic respect’s fifth feature, would be adopted on the basis of the first four features of civic respect, and how citizens thereby would constitute a corporate moral agent, a self-governing civic people.

4. A civic people²³

Recall that ‘public reason is the form of reasoning appropriate to equal citizens who as a *corporate body* impose rules on one another by sanctions of state power’ (Rawls 2001, 92 [my emphasis]). In this section I explain that citizens attempting to realize the ideal of shared political autonomy in a pluralist society would commit themselves to a ‘shared policy’ to give weight *only* to public reasons in their decisions concerning fundamental political matters.²⁴ Such citizens, through this shared policy, would constitute a ‘corporate body’, what I call a civic people.

Michael Bratman’s account of shared intentions extends his planning theory of intentions from individual agents to groups (Bratman 1999, 2004, 2014).²⁵ According to Bratman, when individuals do something together *as a group* they have a ‘shared intention’. By a shared intention Bratman does not mean some kind of ‘super-intention’ of a ‘collective mind’. His account of shared intentions and group agency is thoroughly reductionist in nature. An intention is shared, roughly, when each member of a group has an intention of the following form:

I intend that we do x , where my 'intention to do x ' is (1) contingent on my belief that the others among us also intend to do x , (2) these intentions to do x are mutually responsive to each others' intentions to do x , and (3) we intend that our shared activity of x -ing go by way of our respective intentions and 'meshing sub-plans'. The matching individual intentions, together with the members' common knowledge that they hold matching intentions, their mutual responsiveness with respect to them, and their desire to realize the shared activity in question via their respective intentions and meshing sub-plans, constitute the group's shared intention to do x .

To illustrate, three people – Gordon, Jean, and Jo-Anne – might decide to host a party together. Their individual intentions to host the party are dependent on, and responsive to, the corresponding intentions of the others. Hence if Gordon determines that he no longer can take part, Jean and Jo-Anne would have to revise or abandon their intentions with respect to the party. Gordon, Jean, and Jo-Anne all intend that their shared activity of 'hosting the party' go by way of their respective intentions to host the party together. Finally, they intend that the various sub-plans that they adopt to realize this common goal are mutually compatible or 'mesh'. This does not require (at least not normally) that each participant individually be aware of all of the details of the others' relevant sub-plans, only that those sub-plans be compatible. For instance, Gordon may be in charge of invitations, Jean preparing the food, and Jo-Anne the wine and music, without each necessarily knowing the specifics of the others' relevant sub-plans (Jean need not know the specifics of Jo-Anne's wine purchases and music selection, and so forth). Of course, their shared intention to host a certain *kind* of party, among other considerations, may place certain constraints on each person's relevant sub-plans. The party is a product of *shared* agency because the planning and activity of each participant aims at the same activity, and is mutually responsive to, and dependent on, the planning and activities of the others.

Bratman also extends his account of individual self-governing policies to groups. Self-governing policies are special kinds of intentions: they are intentions to assign certain kinds of justifying significance or 'weights' to certain considerations or reasons in one's deliberations regarding particular subjects, under appropriate circumstances. A self-governing policy can reflect, among other things, an individual's moral commitments or value judgements. For instance, an individual may adopt a policy of giving considerations of revenge 'no weight' in her reasoning about how to interact with other persons (despite, perhaps, her frequent desire to do so).

Like an individual's self-governing policy, a shared self-governing policy is a special kind of intention. Bratman explains: '*S1* and *S2* have a shared policy concerning the justifying significance or weight to be given to consideration *C* in relevant contexts of shared deliberation' (Bratman 2004, 4). Moreover, insofar as self-governing policies for individuals sometimes can be understood as a kind of valuing, so too shared policies for groups sometimes can be understood as

a kind of shared valuing (Bratman 2004, 15). So, for example, a group's shared policy to give considerations of revenge 'no weight' in its deliberations concerning how to interact with other groups can be understood as a form of 'shared valuing' among the members of that group.

In 'core cases' of self-governing shared policies, according to Bratman, the following two conditions obtain, and it is common knowledge that they obtain, among the relevant parties:

- (a) We each intend
 - (i) that we give weight to *R* [a particular consideration or reason] in relevant shared deliberation, and
 - (ii) that (i) proceed by way of each of our (a) (i) intentions and their meshing sub-plans.
- (b) There is mutual interdependence between each of our (a) intentions. (Bratman 2004, 21–22.)

Shared policies, then, 'constitute a commitment, on the part of the individuals in the group, to structuring their shared deliberation and planning in a certain way' (Bratman 2004, 19; see also 2014, ch. 7). For example, a hiring committee at a university department may adopt as a policy to govern its deliberations about whom to hire the policy that the 'personal affability' of the various job candidates should not be a factor in their deliberations. That is, the department in question is committed to giving personal affability 'no weight' in their collective evaluations of the job candidates' applications.

Finally, Bratman suggests that 'particular shared policies concerning what to treat as a reason in certain contexts of shared activity are more or less definitive of the group whose policies they are' (Bratman 2004, 19; see also 2014, ch. 7). To return to the departmental hiring committee example, the various policies that the committee adopts to govern its deliberations about whom to hire will reflect the overall purpose of the group, as it is a group with a specific mandate, and one that will adopt policies pursuant to that mandate, namely, policies about what weights to assign to different hiring criteria (such as candidates' teaching records, research, and so forth).

A commitment on the part of reasonable citizens to employ public reasons when deciding fundamental political matters, I propose, can be understood as an instance of what Bratman calls a shared policy. This shared policy *defines* the group in question as a self-governing civic people. Thus Bratman's account of shared agency can render plausible Rawls's references to free and equal citizens as making up a collective or corporate body, that is, it can show why thinking of citizens as constituting a collective or corporate body need *not* commit us to anything metaphysically or normatively controversial.²⁶

Turning back to the conception of civic respect advanced in Section 3, recognition of the fact of reasonable pluralism (the first feature of civic respect)

means that citizens are aware that only certain kinds of reasons in public political deliberation are going to be mutually acceptable. However, the deliberation in question is concerned only with matters that have to do with the basic structure (the third feature of civic respect), specifically constitutional essentials and matters of basic justice, and thus has a limited scope. Furthermore, the equal recognition respect that citizens have for each other (the second feature of civic respect), and the commitment to the criterion of reciprocity that they have in their relations and deliberations with each other (the fourth feature of civic respect), mean that citizens recognize that they all have an equal standing in the determination of fundamental political matters. Together, these features of civic respect give citizens sufficient reason to commit themselves to a shared policy to give weight *only* to public reasons when deciding fundamental political questions. In other words, those citizens who would agree to conduct their public political relations with each other on the basis of the first four features of civic respect also would agree to form or join a shared policy to decide fundamental political matters by means of public reasons.²⁷

This shared policy is compatible with accommodating the fact of reasonable pluralism, as citizens may justify their commitment to it to themselves in terms of their respective comprehensive doctrines. Bratman notes that while a 'shared policy [...] will normally be to some extent responsive to the relevant judgments of value on the part of the various participants [...] nevertheless, the shared policy [...] requires neither agreement nor disagreement in underlying value judgments' (Bratman 2004, 23). Likewise, the fact that the ideas of public reason – such as the conception of citizens as free and equal, and the idea of society as a fair system of social cooperation – can be supported by, or at least rendered compatible with, the various beliefs and values of the comprehensive doctrines endorsed by different citizens does not mean that citizens will agree on the *underlying* grounds or justifications for the political ideas in question.²⁸

By being parties to a shared policy to decide fundamental political questions via public reasons, and thereby constituting a civic people, citizens can enjoy a form of shared political autonomy. Insofar as citizens wish to exercise their political autonomy and take part in their society's *collective* self-determination over time, then, they will take themselves to *owe* it to other citizens to offer justifications for their positions concerning fundamental political matters in terms of public reasons. Citizens, that is, will take themselves to be subject to the duty of civility.²⁹

5. On the size of a civic people

An objection may be raised here regarding the *size* of the group agent outlined in the previous section. Although he does not rule out the possibility of extending his account of shared agency to large groups, and notes some recent work by others along these lines,³⁰ Bratman's discussions of shared intentions and

policies focus on small groups, such as a few people painting a house together.³¹ Perhaps, then, the idea of a civic people stretches Bratman's account of shared policies too far?³² After all, a central feature of Bratman's account of shared policies is the *interdependent* nature of the participants' intentions. Within even a well-ordered society, though, it is implausible to think that all citizens' intentions could be directly interdependent in the way apparently required by Bratman's account.

I think that this worry can be overcome.³³ To see how, it is important to appreciate that the responsibility to decide fundamental political questions falls most directly upon public officials within what Rawls calls the 'public political forum'. This forum is where fundamental political issues are debated and authoritative decisions regarding them are made. It consists of three parts: 'the discourse of judges in their decisions, especially of the judges of a supreme court; the discourse of government officials, especially chief executives and legislators; and finally, the discourse of candidates for public office and their campaign managers' (Rawls 2005, 443). Such public officials help determine (or, in the case of candidates, aspire to help determine) the ways in which political power is exercised, through their shaping, implementation, and interpretation of laws. Knowledge of whether such officials *comply* with the shared policy to decide fundamental political questions via public reasons is, or would be within an adequately well-ordered society, generally accessible – that is, it is (or generally can become) *public* knowledge. If a public official violates her duty of civility, say, by deciding a matter of basic justice on grounds that presuppose the truth of her comprehensive doctrine, and for which there is no sufficient public reason justification,³⁴ this fact readily can become public knowledge, given the open democratic procedures and free press of an adequately well-ordered liberal society. Thus whether public officials adhere to the shared policy to decide fundamental political questions by means of public reasons is (adequately) knowable, both by other public officials and citizens in general.³⁵

But what about the justifications for political decisions made by citizens who are not public officials? How can citizens in general be parties to the shared policy in question, and thus be members of the civic people? Citizens, Rawls claims, fulfill their duty of civility by holding public officials to the idea of public reason when evaluating their performance within the public political forum, especially (though not exclusively) when voting (Rawls 2005, 444–445). Of course, knowledge about the specific voting intentions of other citizens – in particular, whether those intentions involve or incorporate the shared policy in question – is not available to citizens. In the small-scale endeavours discussed by Bratman, like a few people painting a house together, the shared intentions of the relevant agents are responsive to each other and thus *directly* interdependent. In contrast, within a political society it would be absurd to think that citizens could be knowledgeable and responsive to all other citizens' intentions in a similar way.

Nonetheless, I propose that citizens within a well-ordered society can be construed as parties to the shared policy that constitutes the civic people if they know (or have good grounds for believing) that an *adequate number* of their fellow citizens also are reasonable persons, share the policy in question, and thus reliably act in compliance with that policy. Knowledge of other citizens *ongoing* compliance with the shared policy would be available through the outcomes of elections – say, in light of whether citizens in sufficient numbers vote against public officials who violate the duty of civility – as well as within the background culture and public political discourse of an adequately well-ordered society.³⁶ So long as this threshold of participation in the shared policy is satisfied, I propose that it is plausible to think of the reasonable citizens of a well-ordered society as parties to the shared policy to decide fundamental political questions via public reasons, and thus sufficient for the realization and persistence over time of a civic people.

6. Shared political autonomy and the constrained proceduralist account

One might argue that the ideal of shared political autonomy by free and equal citizens can be realized adequately through a less demanding shared policy, say, one to abide by what Simon May calls the ‘democratic principle of legitimacy’ (May 2009).³⁷ According to this principle, ‘political power must be exercised within a constitutional order that respects the equal status of all citizens and that effectively guarantees each citizen the basic liberal rights and entitlements necessary to participate in political processes on equal terms’ (May 2009, 136). I refer to this alternative as the ‘constrained proceduralist account’. According to this account, citizens share a policy to: (a) decide fundamental political questions via fair democratic procedures, and (b) ensure that such procedures and decisions respect the equal liberal democratic rights of all citizens. (Commitment (b) ‘constrains’ commitment (a).) On the constrained proceduralist account, then, citizens do *not* commit themselves to a shared policy to decide fundamental political questions by means of public reasons. In committing themselves to a shared policy to comply with the democratic principle of legitimacy, citizens constitute a collective agent, but a *different* kind of agent from a civic people, given the different *content* of the shared policy in question.³⁸

I think that the civic people account has (at least) two advantages over the constrained proceduralist account of shared political autonomy.

The first advantage is that the civic people account realizes more fully citizens’ political autonomy than does the constrained proceduralist account. Recall (from Section 3) that the idea of full political autonomy has two elements: an institutional element (concerning citizens’ rights and resources vis-à-vis their society’s main political decision-making institutions) and a justificatory element (concerning the *reasons* underpinning their society’s main political institutions and laws). The constrained proceduralist account may realize the institutional

element of citizens' political autonomy. Citizens are *fully* politically autonomous, though, only when the decisions made by their society concerning fundamental political questions are made for reasons that they themselves endorse or at least judge to be acceptable.³⁹

Fundamental political questions made by a civic people are made with reasons that all reasonable citizens affirm as legitimate. According to the constrained proceduralist account, in contrast, decisions concerning fundamental political questions can be made on grounds that significant numbers of citizens *reject*, that is, grounds that are incompatible with (at least) some of their deepest beliefs and values.⁴⁰ For instance, on the constrained proceduralist view, a political society could legitimately pass legislation prohibiting abortion under any circumstances, or, alternatively, requiring abortion under certain circumstances, and justify this legislation exclusively on religious or utilitarian grounds. Such a society could do this via democratic procedures despite the presence of substantial minorities who reject the religious or utilitarian doctrine in question. In contrast, such a law could *not* be justified on the civic people account, as it fails to rely upon public reasons.⁴¹ So while all citizens within a society governed by the constrained proceduralist account of legitimate decision-making might enjoy *institutional* political autonomy, they all cannot enjoy *full* political autonomy.⁴²

The second advantage of the civic people account over the constrained proceduralist account has to do with stability. A society that decides fundamental political questions by means of shareable public reasons is more likely to be capable of securing the free support of its citizens for those decisions over time. If fundamental political questions are decided on the basis of reasons that all citizens affirm as legitimate, even if they do not always agree with the particular decisions themselves, then citizens will have reason to support freely those decisions. Citizens, that is, will understand that the political decisions in question are made for reasons that they *themselves* judge acceptable, ones that do not deny the truth of (any core element of) their comprehensive doctrines. Such a society likely will be, as Rawls puts it, 'stable for the right reasons' (Rawls 2001, 202; 2005, 390, 459).

In contrast, a society that permits fundamental political questions to be decided on the basis of reasons that not all citizens accept, reasons that presuppose the *falseness* of (at least) some core elements of the comprehensive doctrines endorsed by (at least) some reasonable citizens, risks alienating those citizens. Adherents of minority comprehensive doctrines in particular (for instance, Muslims or atheists in a predominantly Christian society) may come to feel that they regularly 'lose out' in the political decision-making processes of their society if it decides political questions in compliance with the democratic principle of legitimacy (even if their basic rights remain secure). Consequently, such citizens may become alienated from their society's basic structure, and find it increasingly difficult to support freely its institutions and laws.⁴³ Such a society would less likely be 'stable for the right reasons' over time.⁴⁴

7. Shared political autonomy and convergence public justification

In recent years, Gerald Gaus and Kevin Vallier have advanced a ‘convergence’ account of public justification as an alternative to Rawlsian public reason (see: Gaus 2010, 2011; Gaus and Vallier 2009; Vallier 2014, 2015). The convergence account (like the civic people and constrained proceduralist accounts) is an account of how to decide political questions fairly within pluralist societies. Central to the convergence account is what Gaus and Vallier call the ‘*Public Justification Principle*’ (hereinafter ‘PJP’). The PJP states: ‘*L* is a justified coercive law only if each and every member of the public *P* has conclusive reason(s) *R* to accept *L* as a requirement’ (Gaus and Vallier, 53). According to the PJP, political decisions need *not* be made via *shareable* public reasons. Rather, so long all reasonable citizens, whom Gaus and Vallier call ‘members of the public’ (Gaus and Vallier, 53–54),⁴⁵ have their own sufficient (public or non-public) reasons that ‘converge’ in supporting the political decisions in question, those decisions are legitimate. Political decisions thus can be justified by a range of *incompatible* reasons drawn from the disparate comprehensive doctrines of the members of the public.⁴⁶

Could citizens comprise a kind of self-governing body by committing themselves to a shared policy to satisfy the PJP when making political decisions? Such a ‘convergence’ conception of self-government would allow citizens to appeal to reasons that presuppose the truth of their respective comprehensive doctrines when participating in political decision-making. It thus would avoid the restriction to shareable public reasons that is part of the civic people account. According to the proposed self-governing shared policy:

- (a) All (reasonable) citizens would intend to support or find acceptable *only* those political decisions that satisfy the PJP (that is, political decisions that can be supported with adequate reasons drawn from all citizens’ systems of beliefs and values, including their various comprehensive doctrines); and
- (b) There would be mutual interdependence amongst citizens with respect to (a).

Condition (b) means that the intentions of citizens to satisfy the PJP (condition (a)) when making political decisions is contingent upon (an adequate number of) *other* citizens’ intentions to satisfy PJP (condition (a)) over time.

Such a shared policy is not feasible. By requiring that legitimate laws be justifiable to *all* reasonable citizens in terms of their overall systems of beliefs and values, including their respective comprehensive doctrines, the convergence conception imposes considerable informational burdens on citizens and their political representatives. It invariably will be quite difficult, if not impossible, for most citizens to ascertain whether there exist justifications for any proposed law with respect to all other reasonable citizens’ views.⁴⁷ Because of this, it seems

unfeasible that such a *shared* policy could be endorsed and maintained over time by citizens.⁴⁸

But perhaps we could construe the shared policy in question as not requiring of citizens that they *themselves* ensure that the PJP be satisfied when engaging in political decision-making? Instead, citizens need only commit themselves to a policy of granting to one another ‘veto power’ over any proposed law. Such ‘vetoes’ could be based upon reasons drawn from citizens’ respective comprehensive doctrines.⁴⁹ While such a policy would be somewhat less epistemically demanding than the one under consideration, it would still be unfeasible. If citizens lack *knowledge* of one another’s comprehensive doctrines, there is no way for them to know whether objections to proposed laws are normatively justified or not – that is, whether citizens’ vetoes are based on reasons drawn from the values and beliefs of sincerely held religious and philosophical views – rather than strategic considerations of self-interest, motives of domination, or other considerations that violate reciprocity and equal respect.⁵⁰

In contrast, because the civic people account requires that shareable public reasons be used when deciding fundamental political questions, it is comparatively easy for citizens to evaluate *directly* those reasons.⁵¹ Public reasons are inherently transparent; reasons drawn from comprehensive doctrines, however, often can be quite opaque, at least to citizens who do not endorse those doctrines. The informational demands imposed on citizens within the civic people account of democratic self-government are comparatively modest. Citizens merely need to be able to determine whether public officials (or themselves in certain cases, such as when participating in referenda) decide fundamental political questions on the basis of shareable public reasons. Knowledge of other citizens’ comprehensive doctrines is not required by political liberalism’s duty of civility.

Advocates of the convergence account of public justification acknowledge the informational burdens of their view; consequently, they *reject* such political ideas as ‘deliberative democracy’ and shared political autonomy (Gaus and Vallier 2009, 65–70; see also Vallier 2015). Vallier, for instance, holds that most citizens have *no* duty to try to ensure that their society’s laws satisfy the PJP, even when engaging directly in their society’s political life, such as when voting (Vallier 2014, ch. 6). He writes: ‘My view allows citizens to act on whatever reasons they like’ (Vallier 2014, 190). In contrast, legislators *are* subject to a duty related to the PJP, what Vallier calls the ‘*Principle of Convergence Restraint for Legislators*’ (PCRL):

A legislator should not vote for law *L* in order to contribute to *M*’s becoming or remaining law (where *L* may be equivalent to *M*) if he justifiably believes that members of the public lack sufficient reason R_n to endorse *M*. (Vallier 2014, 191; see also Vallier 2015, 154.)

Even with respect to legislators, though, Vallier concedes that the informational demands of this principle are quite strong, and so specifies that the PCRL ‘require[s] that legislators be sensitive to information about public justification

when they encounter it' (Vallier 2015, 155 [my italics]). Hence it is likely that laws will violate the PJP regularly, given how onerous it is for legislators to ensure that proposed laws satisfy the PJP. Since the civic people account relies upon shareable public reasons, though, it is *not* vulnerable to this problem: the legitimacy of all laws concerning fundamental political issues can be ensured by the public officials and citizens of a civic people.

Perhaps I am overstating the likelihood that the PJP would be violated regularly in a society governed by the convergence account of public justification? In such a society – one that has the kinds of institutions and practices envisioned by Gaus and Vallier, as well as the kind of public political culture that likely would emerge over time – legislators (and other public officials) might acquire the skills and knowledge necessary to determine whether political proposals satisfy the PJP. One reason this may be so is that citizens would be motivated to communicate (what they take to be) 'defeaters' drawn from their respective comprehensive doctrines concerning political proposals to their representatives. I concede that this *may* be the case.⁵² But while this possibility might improve the likelihood that laws will satisfy the PJP in a society governed by the convergence view, the more fundamental difference between it and the civic people account with respect to citizens' shared political autonomy remains, specifically, citizens *themselves* cannot act as co-sovereigns by forming a shared policy to ensure that their society's laws comply with the PJP.

Rather than enabling citizens to deliberate politically together and thereby act as *co-sovereigns*, then, I think that the PJP most plausibly is interpreted as a criterion for laws to be legitimate with respect to citizens as *subjects*. Instead of an ideal of shared political autonomy, that is, convergence theorists like Gaus and Vallier advocate relying upon institutional arrangements, such as properly designed constitutional structures, and legislators' compliance with the PCRL, to ensure that the PJP is satisfied by a society's laws adequately over time. This strategy, whatever its merits, is an alternative to the ideal of citizens' shared sovereignty, rather than an alternative version of it.⁵³ The convergence account of public justification does not constitute a rival way to realize the ideal of a *self-governing* people at all.

Now Gaus and Vallier likely would object to this characterization of their view. This is because, drawing upon their reading of Kant's moral philosophy, they hold that if the PJP is satisfied, then each citizen 'is both subject and legislator: each is subject to the law, yet each legislates the law, and so all are free and equal under the law' (Gaus and Vallier 2009, 52).⁵⁴ The sense in which citizens 'legislate' here, though, is quite passive: the responsibility for ensuring that the PJP is satisfied, as we have seen, does not require *anything* of most citizens. So the version of 'self-legislation' that Gaus and Vallier rely upon differs from the Rawlsian conception of shared political autonomy with which I am concerned in this paper; the latter involves the collective determination *by* citizens of the laws to which they are subject.⁵⁵

A convergence theorist might object here that the Rawlsian conception of full political autonomy is unfeasible, and so the version of autonomy that Gaus and Vallier outline is the best realizable one. This is because part of Rawls's conception of full political autonomy involves citizens living within a well-ordered society; such a society is 'well ordered' because its basic structure complies with a political conception of justice that citizens *themselves* all accept (Rawls 2005, 77–78). But in Rawls's final writings on political liberalism he acknowledges the existence of 'a family of reasonable political conceptions' of justice (Rawls 2005, 450). This suggests that the idea of a well-ordered society, a society in which (*inter alia*) all reasonable citizens endorse the same conception of justice, is no longer plausible. Consequently, Gaus argues that Rawlsian political liberalism must give up on the idea of a well-ordered society (Gaus 2016, esp. 150–154). And because of this, full political autonomy no longer seems achievable for *all* reasonable citizens, as there invariably will be some reasonable citizens who do not endorse the conception of justice that is realized in their basic structure.⁵⁶

Against this conclusion, I propose that a society can be considered 'well ordered' if its basic structure is organized in compliance with (at least) a reasonable political conception of justice, that is, a conception that all reasonable citizens find *acceptable* because it satisfies the criterion of reciprocity, the free-standing condition, and the basic structure restriction.⁵⁷ And as Paul Weithman (2017) holds, so long as citizens' basic structure is organized in compliance with a reasonable political conception of justice, then those citizens can enjoy full political autonomy. This is because: 'The *fundamental terms* of citizens' association are those they would give themselves on the basis of their own freedom and equality' (Weithman 2017, 102 [my emphasis]).⁵⁸ In other words, if citizens' basic structure is organized via a conception of justice that they all find *acceptable*, then their full political autonomy is realizable, even if they do not all *endorse* that conception.⁵⁹

Let me now contrast directly the civic people and the convergence views of political association. A civic people is a corporate moral agent: the citizens that comprise it do so through their shared policy to decide fundamental political questions by means of shareable public reasons. This shared policy enables citizens within a pluralist society to realize a robust form of shared political autonomy. Consequently, citizens can be characterized as *co-sovereigns*. In contrast, because determining whether the PJP is satisfied when advancing a political proposal involves considerable informational demands, citizens cannot form a shared policy to ensure that political proposals satisfy the PJP over time. The PJP (or a duty derived from it) cannot serve as the basis for shared political sovereignty. Instead, the PJP is construed most plausibly as a criterion that must be satisfied in order for laws to be formed and imposed legitimately upon citizens *qua subjects*. Citizens have no duty of civility to ensure that the laws to which they are subject satisfy the PJP; they need not exercise political sovereignty over themselves. Rather, the PJP is to be satisfied through proper institutional design

and the decision-making behaviour of key elites (public officials like legislators) within those institutions.⁶⁰

Convergence theorists such as Gaus and Vallier readily accept that it is impossible for citizens to realize a robust ideal of shared political autonomy within societies governed by their account of public justification. The fact that the PJP is incompatible with this ideal thus is unlikely to trouble them. But this just shows that the convergence account of public justification cannot realize the political ideal that *underpins* the idea of public reason. Consequently, citizens attracted to that political ideal – the ideal of citizens as co-sovereigns, according to which political power is ultimately their power, the ‘power of free and equal citizens as a collective body’ – have reason to reject the convergence account. Gaus criticizes as insufficiently motivated Rawls’s duty of civility and its requirement that citizens use shareable public reasons when deciding fundamental political questions (Gaus 2015). Yet because complying with the duty of civility *enables* citizens to realize the ideal of shared political autonomy under conditions of reasonable pluralism, it follows that Gaus’s criticism misfires. Rawls’s duty of civility is well motivated, namely, by the ideal of shared political autonomy.

8. Conclusion

In this paper I outlined a distinctly political liberal conception of mutual respect – civic respect – and suggested that this conception can provide the basis for social cooperation among citizens in contemporary pluralist liberal societies (Section 3). Building upon this conception of civic respect, I employed a modified version of Bratman’s account of shared agency to show that a form of shared political autonomy, what I call the civic people account, can be realized in contemporary pluralist liberal societies (Sections 4–5). According to the civic people account of self-government, citizens in a liberal well-ordered society can be understood as parties to a shared policy to decide fundamental political questions by means of shareable public reasons. Such citizens are co-sovereigns with respect to the laws of their society. In collectively committing themselves to this shared policy, citizens constitute a kind of corporate moral agent, a civic people.

A shared policy among citizens to decide fundamental political questions in compliance with the democratic principle of legitimacy also can create a corporate moral agent (Section 6). But such a corporate moral agent, one that realizes the constrained proceduralist conception of shared political autonomy, is not as successful as a civic people in realizing citizens’ full political autonomy or in securing stability for the right reasons. Turning to the convergence account of public justification, a shared policy based upon (or derived from) the PJP is not possible (Section 7). So the convergence account of public justification cannot realize the ideal of shared political autonomy. Convergence theorists accept this feature of their view, despite the consequence that it renders a political ideal to which many reasonable citizens are (or may become) committed unrealizable.

Citizens who endorse the ideal of shared political autonomy thus should reject the convergence account of public justification and endorse the civic people account.

Notes

1. Specifically, they are contributions to 'Rawlsian' political liberalism (Rawls 2001, 2005). For broadly similar versions of political liberalism, see Cohen (1994, 2008) and Larmore (1987, 2008 [Part III], 2015).
2. Rawls does not clarify what he means by citizens comprising a 'collective' or 'corporate body' (Rawls 2001, 40, 92, 2005, 136, 214, 445). While I think that the interpretation of this idea provided in this paper is the one that political liberals should endorse, I do not claim that it is the only plausible one.
3. For Rawls's discussion of the basic structure and why it should be understood as the subject of the principles of political justice, see Rawls (2005); Lecture VII. (I provide an interpretation and defence of political liberalism's basic structure restriction in Neufeld and Van Schoelandt (2014); for a broadly similar view, see Hodgson (2012). For further discussion of this idea see n. 17.)
4. On the compatibility of reasonable political conceptions of justice and citizens' comprehensive doctrines, Rawls writes: '[A]ll *reasonable* doctrines affirm [...] equal basic rights and liberties for all citizens, including liberty of conscience and freedom of religion. On the other hand, comprehensive doctrines that cannot support such a democratic society are *not reasonable*. Their principles and ideals *do not satisfy the criterion of reciprocity*' (Rawls 2005, 483 [my italics]).
5. While 'unreasonable persons' are 'full citizens' in terms of their legal and political status, the exercise of political authority need not be *justified* to them, given their rejection of the criterion of reciprocity and/or the fact of reasonable pluralism. (For further discussion of unreasonable persons, see n. 29.)
6. All reasonable political conceptions of justice are characterized by three features:

the first enumerates basic rights and liberties of the kind familiar from constitutional regimes; the second assigns these rights and liberties a special priority [...]; the third assures for all citizens the requisite primary goods to enable them to make intelligent and effective use of their freedoms (Rawls 1999b; 14; see also 2005, 450–452).

Different reasonable political conceptions of justice will interpret and realize these principles in different ways. Thus while Rawls maintains that his conception of justice, 'justice as fairness', is the *most* reasonable political conception (Rawls 2005, xlvi), he acknowledges that it is not the *only* one.

7. Finding the justification for a political conception of justice convincing, and consequently *endorsing* that conception for one's society, differs from finding a conception and its justification *acceptable*. A citizen finds a conception 'acceptable', roughly, insofar as she can appreciate the justification for its principles and willingly abide by its requirements should it be implemented democratically in her society's basic structure, even if she would prefer a different conception, that is, even if she regards an alternative conception as more just overall. (For further discussion of this distinction, see Neufeld 2017.) I suggest that the *acceptability* of a conception of justice is sufficient for realizing citizens' 'full political autonomy' in Section 7.

8. According to this principle, 'our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason' (Rawls 2005, 137).
9. The idea of a well-ordered society is part of what Rawls calls 'ideal theory' (see Rawls 1999a, 7–8, 215–216, 308–309; Rawls 1999b, 4–5; Rawls 2001, 13, 65–66). Rawls alternatively describes his work in political philosophy as an attempt to sketch what a 'realistic utopia' looks like. A well-ordered society is 'realistic' in taking certain natural, social, historical, and psychological facts as given, but 'utopian' in imagining what, given these facts, a fully legitimate and just society would look like (see Rawls 1999b, 4–8, 11–12, 16, 29–30, 44–45; Rawls 2001, 4, 13). A central purpose of the idea of a realistic utopia is to explore the limits of what is politically *possible* with respect to political justice (Rawls 2001, 4–5). (For helpful discussions of Rawlsian ideal theory, see: Simmons 2010; Stemplowska and Swift 2014; Valentini 2012. For two recent analyses of the relations between the ideas of public reason and ideal theory, see: Neufeld 2017 and Weithman 2015.)
10. Civic respect differs from the 'natural duty' of mutual respect that Rawls presents in *A Theory of Justice* (Rawls 1999a, 94–95, 297, 447). Because that duty rests on a 'complete conception of right' and extends into many dimensions of persons' lives, it may be interpreted as violating political liberalism's freestanding condition and basic structure restriction (see Davis and Neufeld 2007, Section 2). This interpretive question need not be answered for the purposes of this paper, however, as the conception of civic respect presented here is compatible with *Theory's* natural duty of mutual respect.
11. Surprisingly, Rawls mentions mutual respect only in passing in *Political Liberalism*. There he remarks: 'By publicly affirming the basic liberties citizens in a well-ordered society express their mutual respect for one another as reasonable and trustworthy, as well as their recognition of the worth all citizens attach to their way of life' (Rawls 2005, 319). This looks incomplete as a full account of mutual respect for political liberalism, though, since free and equal citizens are to cooperate in their collective exercise of political power on the *basis* of mutual respect. Merely affirming the basic liberties is insufficient for this, as it fails to include, among other things, endorsing and respecting the role of public reason in justifying the exercise of political power. However, key elements of political liberalism (such as the ideas of reasonable persons and public reason), when taken together, can be understood as comprising an *implicit* account of mutual respect. The conception of civic respect that I outline in this section, then, can be understood as making *explicit* the way in which these elements combine into a unified conception.
12. My formulation of civic respect here draws upon Neufeld (2005). (There I propose that civic respect provides the *correct* basis for social cooperation amongst citizens in pluralist societies.) For similar accounts of the role of mutual respect, or a 'principle of respect for persons', in political liberalism, including its justificatory role, see Boettcher (2007), Larmore (1999) and Nussbaum (2011). Alternatively, the conception of civic respect can be interpreted as part of a 'conception-based' understanding of political liberalism. According to this view, roughly, the authority of political justice, the idea of public reason, and the other core elements of political liberalism, are contingent upon the acceptance of a conception or ideal of citizens and society. For a defence of such a view, see

Weithman (2010); especially ch. XI. (I discuss the relation between the ‘respect-based’ view and Weithman’s account in Neufeld 2011.)

13. ‘Political power is always coercive power applied by the state and its apparatus of enforcement’ (Rawls 2001, 40). Furthermore: ‘[I]f the basic structure relies on coercive sanctions, however rarely and scrupulously applied, the grounds of its institutions should stand up to public scrutiny’ (Rawls 2005, 68).
14. The exercise of public political authority typically involves the exercise of coercive political power (the enforcement of laws). While the account here does not tie the role of public reason to the justification of the exercise of coercive political power, a concern with justifying coercion seems to be at least *part* of political liberalism (see n. 13).
15. On the relation between second-personal address, second-personal accountability, and Rawls’s idea of the reasonable, see Darwall (2006, 23–24, 117).
16. Recognition respect is to be distinguished from ‘appraisal respect’. Appraisal respect, Darwall explains, ‘is esteem that is merited or earned by conduct or character’ (Darwall 2006, 122). Thus appraisal respect can be a matter of degree: we might have a moderate amount of appraisal respect for a person who displays a virtue or skill to a moderate degree, and a great amount of appraisal respect for a person who displays a virtue or skill to a great degree. In contrast, recognition respect is not a matter of degree (see Darwall 2006, 123f). Hence appraisal respect can be distinguished from recognition respect in that we might think that some kind of equal recognition respect is owed to persons simply in virtue of their capacity to occupy the relevant second-person standpoint in their relations with others, and thus be entitled to hold those others accountable for their relevant actions and decisions, but for whom we have very little or very considerable appraisal respect.
17. Civic respect, I think, is compatible with any plausible interpretation of the basic structure. (For the version I favour, see n. 3.) Alternatively, this feature of civic respect can be formulated as applying to the public political relations of persons, that is, persons’ relations qua citizens. This alternative formulation does not depend upon the idea of the basic structure (an idea that has been debated over the past two decades). What is important for civic respect is that it be understood to be a distinctly *political* value, not one that applies to the whole of citizens’ lives. (My thanks to an anonymous referee for suggesting this alternative formulation.)
18. Civic respect is *compatible* with ‘comprehensive’ Kantian respect. Moreover, in the various associations, organizations, and communities that are *not* part of the basic structure (such as universities, clubs, and religious associations), persons may interact on the basis of some form of appraisal respect or a comprehensive form of recognition respect.
19. On the need for a ‘complete’ political conception of justice (or family of complete conceptions) to provide the necessary *content* for public reason, see Rawls 2005 (454–455). (For helpful discussion of this point, see Freeman 2007.)
20. Reasons drawn from citizens’ various comprehensive doctrines *can* be introduced into political discussions so long as what Rawls calls ‘the proviso’ is satisfied. The proviso is satisfied if ‘proper political reasons – and not reasons given solely by comprehensive doctrines – are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support’ (Rawls 2005, 462). Furthermore, the restrictions of public reason apply only to the justifications given by political agents when *deciding* fundamental political questions, and not to political discussions in general, such as discussions within what Rawls call the ‘background culture’ of society (Rawls 2005, 442–443). Freedom of speech is an

important basic liberty, one that must be secured adequately by any reasonable political conception of justice. (I discuss Rawls's account of the 'public political forum' – the domain to which public reason most directly applies – in Section 5.)

21. Necessary for full political autonomy, then, are the 'political liberties', including their 'fair value' for all citizens (Rawls 2005, 327–329). Hence the political liberties are included within the first principle of Rawls's conception of justice as fairness. (For defence of this feature of Rawls's conception of justice, see Krishnamurthy 2012, 2013.) These liberties (though perhaps not their fair value) also are a requirement of *any* reasonable conception of justice (Rawls 2005, 450f).
22. Rawls states: 'full autonomy is realized by citizens when they act from principles of justice that specify the fair terms of cooperation they would *give to themselves* when fairly represented as free and equal persons' (Rawls 2005, 77 [my italics]). (Thanks to an anonymous referee for reminding me of this aspect of full autonomy.) For more on this dimension of citizens' full autonomy, see Section 7.
23. Bratman mentions an earlier version of this section in Bratman 2014, 191, n. 22. A similar account of public reasoning and shared agency recently has been advanced in Leland and van Wietmarschen 2017. That account, however, differs from this one in (at least) two respects. First, I modify Bratman's account of shared agency (in Section 5) with respect to large-scale groups like political societies. Second, my account bases the shared activity of public reasoning *on* the principle of equal civic respect, whereas Leland and van Wietmarschen present their account as resting on an ideal of political community and civic friendship, and thus as an *alternative* to respect-based justifications (see n. 12) for public reasoning.
24. Citizens may explain how the political positions that they endorse can be supported with reasons drawn from their respective comprehensive doctrines, as the proviso allows (see n. 20), but there *also* must exist sufficient public reasons for those positions.
25. My reason for employing Bratman's account of shared agency is that it is a 'metaphysically modest' or 'reductionist' account, that is, an account of shared agency according to which such agency ultimately is reducible to the intentions and actions of individuals (natural persons). I also think that my account is compatible with Margaret Gilbert's 'plural subject' theory of shared agency (Gilbert 1999, 2000, 2006). Although my discussion does not focus on Gilbert's theory, I suggest briefly how my idea of a civic people can be formulated in terms of her plural subject theory in n. 27.
26. Thanks to Andrew Lister and Margaret Moore for pressing me to clarify the 'job' that Bratman's account of shared agency is meant to fulfill in this paper.
27. I think that Gilbert's 'plural subject' theory (see n. 25) also can explain how citizens can constitute a corporate moral agent, a self-governing civic people, namely, by making what she calls a 'joint commitment' to decide fundamental political questions via public reasons. According to plural subject theory, roughly, a plural subject is formed whenever two or more people become 'jointly committed' to doing something as a body. The idea of a joint commitment to doing something *as a body* is key, on Gilbert's account, in distinguishing a plural subject that is doing *X* from a mere aggregation or sum of individuals, all of whom are doing *X* (see Gilbert 1999, 242f). By jointly committing themselves to deciding fundamental political questions in accordance with the idea of public reason, roughly, citizens can constitute a political plural subject, a civic people.
28. For Rawls's account of how different citizens can justify the ideas of the political conception of justice, and hence public reason, *vis-à-vis* their broader beliefs,

values, and commitments – and thereby achieve ‘full’ reflective equilibrium – see his ‘Reply to Habermas’ (Lecture IX) in Rawls 2005.

29. Not all citizens will agree to conduct their political relations with other citizens on the basis of civic respect, and thus not all citizens will be parties to the shared policy that constitutes a civic people. This is because not all citizens will be reasonable persons. The idea of a civic people is that of a corporate *moral* agent, not that of a *legal* entity. (Such ‘unreasonable’ citizens should enjoy the same legal status, and possess the same rights and liberties, as reasonable citizens. However, if their actions threaten the stability of their society, say, because they threaten the free and equal standing of other citizens, such unreasonable citizens should be subject to appropriate sanctions and restrictions.) A civic people thus may contain ‘pockets’ of unreasonable citizens who are not parties to the shared policy that constitutes that civic people. Such citizens, of course, should be encouraged by their compatriots to endorse the principle of equal civic respect.
30. For instance, see Shapiro (2014) and Stilz (2009). (These works are mentioned in Bratman 2014, 160–161, n. 15.)
31. Bratman himself points this out (see Bratman 2014, ix, 7).
32. There are, however, other accounts of shared agency, such as Gilbert’s joint commitment theory, that aspire to apply to entire political societies (see notes 25 and 27). Nonetheless, I think that Bratman’s ‘metaphysically conservative’ account can do the job that I need it to do without positing the existence of controversial non-reducible normative properties like Gilbert’s ‘joint commitments’. (As Bratman notes, ‘Gilbert’s appeal to an irreducible joint commitment’ is a version ‘of a nonconservative, discontinuity theory’ of shared agency (Bratman 2014, 37).)
33. Scott Shapiro modifies Bratman’s account of shared agency so that it can apply to large groups by (a) incorporating relations of authority to help determine or settle group intentions, and (b) allowing for ‘alienation’ on the part of many members of the groups in question (see Shapiro 2014). My proposal is incompatible with both of those modifications. Given the nature of citizens’ relations within a well-ordered society, my proposal cannot rely upon relations of authority to bring about compliance with the relevant policy, as all citizens (ultimately) are *equal* co-sovereigns; similarly, it cannot count alienated citizens as parties to that policy given, *inter alia*, that it assumes that citizens maintain their basic structure via their effective sense of justice.
34. Recall that reasons drawn from comprehensive doctrines can be introduced in political deliberation so long as the proviso is satisfied (see n. 20).
35. Part of Bratman’s account of shared intentions involves agents’ beliefs about others’ *intentions*, and not simply their actions. In the case of small groups, it normally is a straightforward matter to discern the relevant intentions. But in a political society, citizens’ beliefs about the intentions of public officials typically must be formed on the basis of those officials’ public actions and statements. Such inferences generally will be less reliable than those made about the intentions of participants in small groups. Nonetheless, I assume that such inferences concerning public officials’ intentions are sufficiently reliable for citizens to determine whether public officials are complying adequately with the relevant shared policy over time. (My thanks to an anonymous referee for bringing this important nuance to my attention.)
36. Citizens’ inferences about other citizens’ intentions invariably will be less reliable than persons’ inferences about the intentions of others within small groups (see n. 35). Again, I assume that they nonetheless will be reliable *enough* (at least within a

well-ordered society) for the purposes of determining whether the shared policy is maintained over time.

37. The use of the democratic principle of legitimacy to construct a collective agent (via a shared policy among citizens to comply with that principle) is my own. (I discuss May's argument against the liberal principle of legitimacy in Neufeld 2010.)
38. We can add to this account a commitment on the part of citizens to deliberate with one another concerning fundamental political questions with the *aim* of finding mutually acceptable decisions when possible – that is, a commitment to realize a (non-Rawlsian) form of 'deliberative democracy'. Nonetheless, even after such deliberations, citizens would be free to decide political questions by relying on their respective comprehensive doctrines. Such a society would resemble what Paul Billingham (2016) calls an 'argumentative democracy'. Enriching the constrained proceduralist account in this way does not affect my claims in this section, as fundamental political questions could still *ultimately* be decided via *non*-public reasons. (Thanks to an anonymous reviewer for suggesting consideration of Billingham's idea of an 'argumentative democracy' here.)
39. See n. 22. I explain why citizens can be fully politically autonomous even if they find public reasons merely *acceptable* (as opposed to *endorsing* them) in Section 7.
40. This is so even if the society in question is an 'argumentative democracy' (see n. 38).
41. For Rawls's discussion of public reason and abortion, see: Rawls (2005, 479–480).
42. I should note that May holds that his democratic principle of legitimacy and Rawls's liberal principle of legitimacy *both* can realize citizens' autonomy, even though the former permits the justification of a constitutional structure via values that not all reasonable citizens find acceptable, whereas the latter does not (see May 2009, 158–163). With respect to the *justificatory* dimension of full political autonomy, though, it seems clear (I think) that citizens enjoy *greater* autonomy vis-à-vis a constitutional structure that is justified by both a principle of legitimacy and values that they find acceptable than a constitutional structure that is not justified by values that they find acceptable. I regret, however, that I cannot discuss further the details of May's view here.
43. Such alienation would resemble the 'second way' in which citizens might experience excessive 'strains of commitment' (see Rawls 2001, 128–130).
44. I should acknowledge, though, that if a political decision is made via public reasons, that does not *ensure* that it will be acceptable to all reasonable citizens, given their respective comprehensive doctrines. Consider, for instance, the public reason justification that Rawls gives for a right to abortion during the first trimester (Rawls 2005, 243–244, n. 32; 479, n. 80). Such a law nonetheless may be unacceptable to some citizens who object to abortion on religious grounds – *even if* they accept the political values that Rawls draws upon to defend the right in question. (In formulating his public reason position concerning abortion, Rawls appeals to: (a) 'due respect for human life'; (b) 'the ordered reproduction of political society over time'; and (c) 'the equality of women as equal citizens' (Rawls 2005, 243, n. 32).) The civic people account, then, cannot 'guarantee' the acceptability of its political decisions for *all* reasonable citizens in *all* cases. (For a brief discussion of this possibility with respect to abortion, see Rawls 2005, 480.) Nonetheless, by employing ideas and reasons that all reasonable citizens find (at least) acceptable when deciding fundamental political questions – rather than ideas and reasons that presuppose the correctness of a particular comprehensive

doctrine (such as utilitarianism or Roman Catholicism) – I maintain that *overall* social stability ('for the right reasons') is more likely to be maintained within a civic people than within a society governed by the constrained proceduralist account. (I thank an anonymous reviewer for recommending that I address this point.)

45. For the purposes of this paper, 'reasonable citizens' (or 'reasonable persons') and 'members of the public' can be treated as interchangeable, as the differences between these ideas are not (for the most part) relevant for my discussion. (But see n. 50 for additional discussion of the 'members of the public'.)
46. Shared ('Rawlsian') public reasons can satisfy the PJP. My arguments in this section refer to those political decisions that *cannot* be justified via shared public reasons but *can* be justified via the PJP. Moreover, I interpret Gaus and Vallier as maintaining that most justified political decisions will have this form. (My thanks to an anonymous editor for suggesting that I clarify this point.)
47. Gaus and Vallier are aware of this point. Vallier, for instance, notes: 'justificatory reasons are diverse and dispersed and so hard to discern' (Vallier 2014, 187). I discuss convergence theorists' response to this feature of their view later in this section. (Independent of the formulation of the PJP by Gaus and Vallier, Larry Krasnoff proposes that this was one reason why Rawls did *not* think viable something like the convergence approach to public justification (Krasnoff 1998).)
48. Here 'reasonable citizens' refers to those citizens who accept the PJP and thus are (at least potentially) parties to the shared policy in question.
49. Thanks to Phil Smolenski for raising this point.
50. It might be objected here that my argument against the possibility of forming and maintaining a shared policy to ensure that society's laws satisfy the PJP fails to recognise adequately that the idea of the members of the public is an idealization. Gaus writes: '[A] Member of the Public is an *idealization* of some actual member; a Member of the Public deliberates well and judges only on the relevant and intelligible values, reasons, and concerns of the real agent she represents and always seeks to legislate impartially for all other Members of the Public. [...] [W]e characterize a Member of the Public by reflecting on *her* reasons as a specific moral person with her own reasonable values and aims, and who seeks in good faith to legislate moral rules for all' (Gaus 2011, 26 [Gaus's italics]). So perhaps such idealized members – as opposed to actual citizens – could form and maintain the relevant shared policy? This possibility would not render the convergence account more attractive than the civic people account, I think, as the latter is potentially realizable via a shared policy among adequately reasonable *citizens*, and thus aspires to be achievable ('realistically utopian' (see n. 9)). Moreover, as we shall see shortly, Gaus and Vallier are concerned that the laws of *actual* societies satisfy the PJP (as much as possible) over time. So they reject 'deliberative democracy' because of its demanding nature for (most) citizens. And Vallier formulates a duty for legislators to help them ensure that their legislation satisfies the PJP. Hence while appealing to the beliefs and values of the idealized members of the public may be necessary for determining whether the PJP is in fact satisfied by particular political proposals (whatever some actual citizens may think), convergence theorists hold that political institutions should be designed, and legislators should act, so that the PJP *in practice* will be satisfied over time. In other words, I interpret the PJP to be a normative criterion for evaluating, orienting, and structuring 'realizable' political activity. Consequently, I think that my criticisms apply to the realizability of the PJP as a shared policy within pluralist societies. (My thanks to an anonymous referee for raising this concern.)

51. I say *comparatively* easy, as the demands of public reason are not trivial. Among other things, in order for citizens to realize their duty of civility, they will need to know what 'public reasons' are, and this, in turn, requires (adequate) knowledge of the relevant political conception(s) of justice. However, it is important to note that the duty of civility falls most heavily upon the participants within the public political forum (as explained in Section 5), whereas citizens fulfil the duty of civility (primarily) by holding public officials accountable for their decisions. Moreover, the duty of civility applies to 'constitutional essentials' and 'questions of basic justice' (Rawls 2005, 214), and not to all political questions. For these reasons, I think that my comparison of the relative demandingness of the civic people account versus the convergence view is justified. (My thanks to an anonymous referee for raising this point.)
52. And I thank an anonymous reviewer for raising this possibility.
53. It is not surprising, then, that Vallier recommends, 'less Rousseau, more Madison' (Vallier 2015, 156).
54. Elsewhere, Gaus proposes that a society in which the laws (and the rules of social morality in general) satisfy the PJP is one in which the members of the public enjoy a form of 'positive freedom' (see Gaus 2011, 30–36, 224). (The term 'positive freedom' or 'positive liberty' is from Berlin (1969a, 1969b). Berlin uses the term, roughly, to describe the idea that 'true' liberty is a form of 'self-mastery' or 'self-direction'. The idea of positive liberty, then, is very similar to, if not identical with, that of autonomy). (My thanks to an anonymous reviewer for mentioning this discussion by Gaus.)
55. Moreover, Paul Weithman (2011) holds that citizens are politically autonomous (and not heteronomous) only if fundamental political decisions can be justified with public reasons. This is because such reasons reflect the interests of persons *qua* citizens, and not their interests (simply) as adherents of particular comprehensive doctrines and conceptions of the good. 'Because they may revise their conceptions of the good', Weithman writes, 'citizens as such are not thought of as having the comprehensive view they may endorse at a given time'; consequently, 'If social conditions were justified by reasons drawn from comprehensive doctrines, then it would be possible to justify conditions that do not leave [...] citizens properly free' (Weithman 2011, 342). Public reasons, then, express reasons that reasonable citizens find acceptable *whatever* revisions may occur with respect to their religious or philosophical beliefs and values. (For a broadly similar view, see Watson and Hartley (forthcoming), ch. 3.)
56. While Gaus does not draw this conclusion with respect to citizens' full political autonomy, Samuel Freeman does so (2007, 256). (My thanks to an anonymous referee for suggesting the objection outlined in this paragraph.)
57. This claim is defended in Neufeld and Watson 2018, Section 2. Given that reasonable citizens likely will endorse a *family* of reasonable political conceptions of justice, it may be that different conceptions of justice will 'overlap' in justifying certain institutions within the basic structure (such as the 'constitutional essentials' that specify citizens' basic rights, the first feature of all reasonable conceptions of justice (see n. 6)). Conversely, *different* reasonable political conceptions of justice may – through society's democratic decisions over time – come to shape various other institutions and laws (for instance, educational institutions, property rights and entitlements, and so forth). The latter possibility means that different parts of a society's basic structure may come to be shaped via different reasonable political conceptions of justice, rather than a single conception. While the basic structure of such a society may lack a certain coherence with respect to justice,

given that all of the relevant conceptions of justice are 'reasonable' and therefore share certain general features (as outlined in n. 6), such a society may be regarded as (adequately) 'well-ordered' for the purposes of realizing citizens' full political autonomy (see n. 58). (My thanks to an anonymous reviewer for pressing me to clarify this point.)

58. The three features that *all* reasonable political conceptions of justice contain (see n. 6) comprise these 'fundamental terms' of political association. I think that Rawls suggests something like this view when he writes: 'citizens gain *full* political autonomy when they live under a *reasonably* just constitution securing their liberty and equality' (Rawls 2005, 402 [my italics]). The reference to 'a reasonably just constitution' indicates, I think, that full political autonomy does not require living under (what citizens all regard as) the *most* just constitution (that is, a constitution that realizes or is based upon what they take to be the most reasonable political conception of justice).
59. See n. 7 for the distinction between 'endorsement' and 'acceptability'.
60. On Vallier's account of the special role of judges with respect to convergence public justification, see Vallier (2014, ch. 6, esp. 194–195). ('Judicial reasoning,' he notes, 'is [...] subject to something like a consensus requirement' (195).)

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