POLITICAL LIBERALISM AND RELIGIOUS DISCOURSES:

AN EVALUATION OF THE ASYMMETRY OBJECTION

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DECLARATION OF ORIGINALITY

I, İbrahim Çağrı Mutaf, certify that

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ABSTRACT

Political Liberalism and Religious Discourses:

An Evaluation of the Asymmetry Objection

John Rawls' *Political Liberalism* (2005) addresses the question of enduring plurality of conflicting worldviews within societies under democratic regimes. As a theory of justification, political liberalism excludes religious reasons from public reason's scope and content. The asymmetry objection disputes political liberalism by claiming that (1) burdens of justification are distributed unevenly between non-religious and religious citizens, (2) political liberalism favors liberal comprehensive doctrines over non-liberal comprehensive doctrines, and (3) the asymmetric treatment towards disagreements about the good life and the political conception of justice proves that political liberalism is not internally coherent. By expounding on the existing responses to the objection, this thesis asks: Can *Political Liberalism* sufficiently rebut the asymmetry objection? Can religious discourses be permissible for justifying constitutional norms and their interpretations as laws? In this thesis, possibilities of overcoming the asymmetry objection are shown through expanding and interpreting responses in the literature. This evaluation of the asymmetry objection leads to a particular reading of *Political Liberalism* as a non-comprehensive Kantian moral-political doctrine.

ÖZET

Siyasal Liberalizm ve Dini Söylemler:
Asimetri Eleştirisinin Bir Değerlendirmesi

John Rawls'un *Siyasal Liberalizm* (2005) başlıklı eseri, demokratik rejimlerde yaşayan toplumlarda süregelen (ve sürecek olan) birbiriyle çatışan/çelişen dünya görüşlerinin çoğulluğunu ele almaktadır. Bir gerekçelendirme teorisi olarak siyasal liberalizm, dini temelli gerekçeleri kamusal aklın kapsamı ve içeriğinden dışlamaktadır. Asimetri eleştirisi siyasal liberalizme üç noktada itiraz etmektedir: (1) gerekçelendirmenin külfetleri dindar ve dindar olmayan vatandaşlar arasında dengesiz biçimde dağıtılmaktadır, (2) siyasal liberalizm kapsayıcı liberal doktrinlere liberal olmayan kapsayıcı doktrinlere göre ayrıcalık tanımaktadır, (3) iyi yaşamın ne olduğu ve nasıl olması gerektiğine dair fikir ayrılıklarıyla siyasal adalet kavramsallaştırmasına dair fikir ayrılıklarına karşı asimetrik muamelesi siyasal liberalizmin içindeki bir tutarsızlığa işaret etmektedir. Bu çalışma, asimetri eleştirisine verilmiş mevcut yanıtlara açıklamalar getirerek şu soruyu sormaktadır: Siyasal Liberalizm asimetri eleştirisini yeterli ölçüde çürütebilir mi? Anayasal normların gerekçelendirilmesinde ve bunların yasalar şeklinde yorumlanmasında dini söylemlere izin verilebilir mi? Bu tezde, literatürdeki yanıtlar genişletilip yorumlanarak asimetri eleştirisinin üstesinden gelme olanakları gösterilmiştir. Asimetri eleştirisinin buradaki değerlendirmesi bizi Siyasal Liberalizm'in Kantçı ama kapsayıcı olmayan bir ahlaki-siyasal doktrin olarak belirli bir okumasına götürmektedir.

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CHAPTER 1

INTRODUCTION

Participatory power of religious citizens in constitutional regimes vis-à-vis legitimate justification procedures for the use of coercive state power compels us to question the scope and the content of public reason, i.e. normative standards to which procedures of deliberation are subjected: Given the fact that each and every society has varieties of conceptions of the good life and of the plurality of metaphysical truth claims, are religious discourses permissible for justifying norms in the public sphere?

The discussion about the content and scope of public reason is quite broad and the question regarding which types of reasons are allowed to be offered in the public sphere is not limited to religious discourses. John Rawls, for example, has a particular view on public reason which is embedded in his theory of political liberalism. *Political Liberalism* starts from a wider question regarding peaceful coexistence of individuals and groups that hold conflicting worldviews. On the way, however, he excludes religious discourses and reasons within comprehensive doctrines from formal justificatory procedures. Habermas takes a different route but at the end, does not differ much from Rawls' conclusion. There are numerous answers to the initial question posed above; yet, one answer becomes interesting when its theory is engaged with one of its criticisms. Rawls' *Political Liberalism* argues for a restraint requirement on religious discourses during the process of justification of principles of justice. However, the argument he grounds on his view of public reason is disputed by several objections. The most intriguing objections among them is the asymmetry objection which claims asymmetric treatment between disagreements over the good life and the justice (1) creates unequal burdens on

religious citizens, (2) gives unfair advantages to liberal doctrines (3) points out an incoherence within political liberalism. Therefore, by evaluating the asymmetry objection, political liberalism's argument for exclusion can be assessed; moreover, assessing political liberalism in the light of the asymmetry objection's claims provides the opportunity to have a better understanding of political liberalism by revealing its Kantian core. By this way, we move from the initial question to an evaluation of the asymmetry objection; the analysis gives us a chance to assess the soundness of the argument for exclusion as well as one argument against exclusion. Moreover, if the asymmetry objection is refuted to an extent (thus, we conclude that argument for exclusion is sound), there still remains a Kantian core to be justified. Thus, subjecting political liberalism to the asymmetry objection test can help us to have a robust answer for the initial question above and contribute to our understanding of Rawls' political liberalism (especially to what extent it is Kantian).

In the next sections of this chapter, the development of the initial question is disclosed step by step. First, the way of approaching to and significance of the question is evaluated. Second, normative approach to the question is justified and the question is located on a specific strand of democratic theory: Deliberative democracy in general, Rawls' "political liberalism" in particular. In this way, the research question is framed and limited through concepts and conceptions of political liberalism. After then, it becomes possible to point out to a puzzle: Political liberalism provides an argument for the exclusion whereas critics argue for an asymmetry. Can political liberalism overcome the asymmetry objection? Is argument for exclusion survives the asymmetry objection? Which interpretation of Rawls' *Political Liberalism* provides the best account for meeting the asymmetry objection?

The first chapter unfolds the steps required to develop the argument for exclusion in Rawlsian terms. Accordingly, religious comprehensive doctrines are not permitted to offer reasons for justifications of constitutional essentials in public reason. In this chapter, construction of the argument is followed through explanations of the basic concepts of *Political Liberalism*. After explaining the political conception of justice, differences between reasonable and unreasonable comprehensive doctrines, the burdens of judgment, and the fact of reasonable pluralism, we finally reach to the idea of public reason of Rawls. Since religious reasons do not qualify as "public" according to political liberalism, the content and scope of public reason are described. Next, the chapter makes remarks on "institutional translation proviso" of Habermas to evaluate whether it can solve the problem that is seen in Rawls.

The second chapter makes points out a Kantian reading of Rawls. The role of practical reason and the political conception of personhood are assessed in terms of the similarities and the differences between Rawls and Kant. Next, the distinction between ethical, moral, and political domains are emphasized. Then, the analysis is incorporated to Forst's (2017) Kantian reading of Rawls. Forst's analysis supports the idea that political liberalism's "freestanding view" of justice is consequently a Kantian view. Therefore, I conclude that the freestanding view of justice must be justified and its distinctness from comprehensive moral doctrines as a non-comprehensive Kantian doctrine must be proved in order to meet the asymmetry objection fully.

The third chapter describes the asymmetry objection in detail and presents different formulations within the objection. Two relatively weak formulations of the objection are assessed and analyses of them is expanded. Their analysis lead us to

consider a more comprehensive formulation of the objection as presented by Quong (2011). After formulating the asymmetry objection, Quong responds to previous solutions to the objection and reveals their inadequacies. Insufficiency of these solutions leads him to develop an innovative terminology to examine political liberalism's account of reasonable disagreements. Then, Quong's distinction between justificatory and foundational disagreements is summarized. The extent which the solution meets the asymmetry objection is evaluated. The argument for the exclusion is supported and expanded by an interpretation of Quong's solution. However, this analysis reveals a core in political liberalism that still enables the asymmetry objection press against the argument for exclusion. This is the Kantian core of political liberalism as revealed in the previous chapter.

1.1 General formulation of the question

The status of religion in politics has always stirred up debates, brought about questions to the activity of doing politics itself. But the intriguing part of the question has not only laid behind the practicality of the issue but political philosophy too. The questionable relationship between politics and religion has taken too many shapes and formulations, besides it has metamorphosed under changing circumstances of human existence. They cannot be seen only as a clash between two central questions of humanity; their relationship has always been subtler. The relationship between individuals and religion, social groups and religion, religious groups and the state are now more complicated than ever under the participatory culture of democratic institutions. Thus, the multidimensional relationship between religion and politics presents puzzles that cannot be easily overcome –and even when they are overcome, new questions await on the horizon.

Politics as a justificatory activity can be seen as a framework under which participants cooperate with each other by exchanging their reasons, discussing and bargaining on policy choices, and last but not least, define and interpret rules of these very procedures. Under a democratic regime legitimacy cannot be grounded merely on the necessary authority of the state. The discussions questioning which reasons can enter into the public sphere and be qualified as acceptable is prevalent, rightly, due to the crucial importance of the procedures and substance of a democratic regime. In this respect, the relation between religion and politics has never stopped to be a hot topic for political philosophy.

Varying individual, group, and community values and opinions flow into the public opinion to affect political outcomes. Democracy's value as a domain of expression as well as of freedom, equality, and justice is being recognized more than ever. Religion, on the one hand, has been offering values and views to human lives at ethical, metaphysical, and social levels, yet it is also subjected to debates over freedom and identity. The delicate balance between different democratic values in connection with the relationship between religion and politics, then, requires us to ask: Should religious discourses be permitted to enter into the public sphere for defining the fair rules of deliberation, for determining laws and norms that bind citizens with each other, and for leading policy choices?

The question and its answer are substantively depended on how we prefer to deduce from or construct our world and the human condition. First of all, the question inquires "the permissibility" of religious discourses in democratic norm building processes. "Who does permit?", then, becomes a relevant question. The subject of this question is constructed –constructed in a way that contains all autonomous subjects that can have individual opinions, while being a member of

ethical and political groups, capable of giving decisions and of taking action based on these decisions in order to make changes in the material world. This subject is formed by these autonomous individuals and groups, which contribute to will-formation processes for the benefit of all. Therefore, it necessarily contains or has potential to contain varying opinions, worldviews, identities, and ethical attachments. Hence, the question can be formulated as follows: Given the fact[1] that each and every society has varieties of conceptions of the good life and of the plurality of metaphysical truth claims, are religious discourses permissible for justifying norms in the public sphere?

[1] Note that the use of the term "fact" does not signify solely the knowledge that is conclusively grounded on empirical evidence, but the knowledge that is proved and has property of being commonly known and accepted. As the fact described here corresponds to the fact of reasonable pluralism in Rawls' terminology, the reason for taking this fact as a given will be understood better when discussing why reasonable pluralism is a fact. While formulating the question, this fact is assumed and I believe that it would not be plausible to reject this assumption. The strategies for opposing this assumption can be as the following: (1) claiming that not all societies have a plurality of comprehensive worldviews; even if there is a plurality, (2) this plurality can be overcome –therefore, it is not a fact per se; and (3) this plurality needs to be overcome as against to be protected. First claim does not address the cases which plurality of comprehensive worldviews exists. Besides, even if the claim that not all societies have this sort of pluralism is empirically true, even a homogenous society should not be idealized by opposing this fact because it forecloses future dissent at the outset (as well as overlooks the diversity within comprehensive doctrines). When we do not talk about existing plurality, we must talk about possible plurality. (3) The opposing party should either argue the particular comprehensive doctrine which is homogenously shared by a populace is true (or true for the particular society); or independently from the validity of particular comprehensive doctrine, he or she should claim that the important point is the very consensus occurred at a specific point in time and space for a society. The first way should prove the particular comprehensive doctrine's universal validity or validity for that society (in which case, begs the questions: Do each society have an appropriate comprehensive doctrine for itself? If yes, what are the criteria for determining which existing doctrines or the ones that will be invented fit to which society? Or the particular society's comprehensive doctrine is generalizable?). The second one assumes that status quo provides the best scenario and do not look for other options (this can originate from the status quo bias or too much significance ascribed to stability or miscomprehension of stability as a mere instance of agreement). In addition, if the dissent can be prevented it can be through either a total indoctrination or the use of coercive state power against the inevitable dissent. Pluralism is not taken as a virtue or value but as a fact, considering pluralism as a vice, disutility or a condition against justice would not be analogous to our claim. Even if it would, in this case, the opposing party either speaks within a comprehensive doctrine which pre-defined order of values or the opposing party should move to a Schmittian perspective. Besides, the third way inherently assumes that either one of conflicting comprehensive worldviews must be true or all of them are false. In any case, strategies for opposing the assumption of plurality are strategies of authoritarianism, totalitarianism or holy war. Or put it more mildly, these strategies can only lead "hierarchical societies" in Rawlsian terms.

For the sake of clarity, this subject can be converted into a “we”. Then, another version of this question would be “Should we permit?”. Now, it is clearer that this is a normative question and the discussion is in a normative domain. It is related to the more general questions of “What is the right motivation for us to prefer the next course of action over the other?” and “What are the limits for viable options of future actions?”. And yet, the public character of the question makes the question a matter of political philosophy. That is, the subject “we”, here, refers to a population which intends to use a collective power on each other. This power is the political power and the “we” refers to a political body. However, it is still a broad question and the issue itself quite loaded and discussed, the thesis limits the discussion. Next section will cover the framework of thesis in this direction to locate the question within political philosophy as well as justifying further limitations applied in order to have a more concise analysis.

1.2 Frame for the thesis and the limitations of this study

This thesis does not attempt to open up a discussion within the literature on the theories of secularism. Rather, the review and discussion in this thesis aim to address a puzzle within the democratic theory, more precisely where it intersects with the normative aspect of secularism. From this point of view, the relation between the state, civil society and religion are examined under the umbrella of democratic theory; and secularism is not treated as an independent and detached domain of political theory. The question how this relation must be arranged and regulated is inevitably derived from a wider question regarding how democratic procedures for norm building processes and discussions/bargaining on policy choices *should* be arranged and regulated in general. In this respect, the analysis is not drawing upon

historical or sociological narratives and empirical findings on secularism or democratization research but contains a discussion within the framework of *normative political theory* which is generally conceived as a domain of or in relation to moral philosophy.

Different strains of democratic theory supply researchers with diverse perspectives. The pluralism in democratic theory compels us to limit the discussion to the realm where it is most relevant. For this, the research question does most of the work. The question assumes an embedded and durable plurality of worldviews within a society (or different conceptions of the good and metaphysical truth claims), puts an emphasis on procedural justice by necessitating a standard for permissible discourses in the public sphere. From this conception of society, norms, laws, and policies are decided by free citizens who have equal access to the forum (through representatives or direct participation) where authoritative and binding decisions are made. The matter of discussion here is about the types of discourses which can or should be allowed to enter into this forum and to be directed to fellow citizens (more narrowly, whether a certain type of discourse, which is religious, is permissible or not in the public sphere). Consequently, the question limits the discussion to a strain of democratic theory which puts certain concepts like public reason, public sphere, and justification at its core.

This strain of democratic theory is "the contemporary liberal political theory" which focuses on justification discourses (Chambers, 2010, p. 893; Vallier, 2011, p. 1, D'Agostino, 1996; Macedo, 1990, pp. 40-41; Waldron, 1993, p. 36; Eberle, 2002, p. 294). Chambers (2010) calls this "Theories of Justification" and defines justification as "the process whereby we seek to ground or defend claims, principles, conclusions (and actions)" (p. 893). Nevertheless, the definition in the context of

contemporary political philosophy is not only confined to "valid reasoning, but [also] argument[s] addressed to others" (Rawls, 2005, p. 465). According to Chambers (2010), Rawls and Habermas developed "a justification-centered model of liberalism" by bringing this notion of reciprocity to the theory. Simmons (1999) claims that justification, now, cannot be considered as justification "simpliciter" but "justification to a particular set of persons" (p. 759). From the Lockean perspective, justification demonstrates that "the limited state is morally acceptable and a good bargain" whereas in Rawls, justification can be "accomplished" through demonstrating that "the state is acceptable to the particular persons forced to live under its authority" (Simmons, 1999, p. 758). Locke's account is a more epistemological and philosophical endeavor of grounding justification and he considers legitimacy as "a political concept seeking to secure allegiance" (Chambers, 2010, 893). Rawls, on the other hand, ascribes justification a "public" character. Public justification is idealized as constantly possible among the reasonable members of a society who hold differing and conflicting comprehensive worldviews. The point of justification of political conception of justice is to create an overlapping consensus. Legitimacy as consent giving/seeking or establishing an allegiance and justification "simpliciter" are fused into one Rawlsian approach. Therefore, Simmons suggests that "legitimacy and justification "fold into each other in contemporary liberalism" (as cited in Chambers, 2010, p. 893). This notion also replaces consent with "justification to other". Justification is, accordingly, not a technical philosophical effort of an "objective justification" but a procedural necessity as "inter-subjective justification" (Chambers, 2010, p. 894). That is, objective approach to justification and subjective approach to legitimacy are replaced with inter-subjective view of "legitimating" as "justifying". Coercive use of state power is

legitimate, in this case, "with respect to a set of persons if it would be reasonable for them to endorse it (Simmons, 1999, p. 759).

The intersubjective perspective on justification makes it "public". The public character of justification can be expanded by questions of "who(m)", "what", "where", and "how". Chambers (2010) indicates that the public character of justification resorts to (1) "the fact that it is justification of public things", (2) "the fact that the addressee of the justification is a public at large characterized by pluralism", and (3) "the idea that justification is presented in public or by citizens acting publicly" (p. 894). The first component of publicity of justification ranges from particular policy choices to "constitutional essentials" (as in Rawls). Chambers (2010) suggests that scholars generally are not transparent about their position within this range, which cause some complications (p. 894). This "what" question consequently affects the question of "where" and "whom". For instance, the rules that bind a debate about the principles of justice (or constitutional essentials) in the assembly by the members of parliament and private individuals expressing their political opinion in a public square may reasonably differ (Chambers, 2010, p. 894).

As a result, a discussion about the limitations of using certain types of discourses in the public sphere must position itself within this range in order to be clear about the questions of "where" and "whom" as well as "what". The important lesson from this analysis, however, is the emphasis on legitimacy. As Chambers (2010) states: "'Consent of the governed' is replaced by 'justified to all those affected' as the touchstone of legitimacy" (p. 894). Contemporary liberal theories' requirement of legitimacy before coercive and regulative state action cannot be understood without intersubjective and public character of justification. Moreover, I argue that this shows the way in which liberal conception of "the political" is related

to “the public”. A political issue is an issue that regards “the all”. Therefore, the state’s political action should be justified to all. All citizens should be reasonably expected to endorse the principles of justice in order to consider a state action[2], which is justified on the grounds of those principles, as legitimate.

The concept of “public reason” is related to public justification. The idea of public reason determines the types of reasons that can be offered during the process of public justification. In general terms, public reason examines the permissible and desirable “content” of these reasons (Chambers, 2010, p. 894). When we think about the relationship between public justification and legitimacy, it becomes clear that the criteria determining the permissible types of reasons in public justification processes play a crucial on legitimating state power. These criteria determine the content of public reason. For example, criteria for this content extend across qualifications like “all reasonable citizens as free and equal might *reasonably be expected to endorse*” (Rawls, 2005), requirements like “translatability” (Habermas, 2006) or claims like “A’s reason X can justify coercing members of the public only if it is *intelligible* to them” (Vallier, 2011) (emphases added). The point of all these criteria is also about distinguishing “public” reasons from “private” reasons. Another issue that is related to public justification is “deliberation”. Chambers (2010) suggests that it generally “refers to the *process* of reason giving” (p. 894) (emphasis in original). The process of public justification which is marked by deliberation deals with “procedural constraints and inter-subjective dynamics of public reason” (Chambers, 2010, p. 894). For instance, procedures can be subjected to “the criterion of reciprocity” (Rawls, 2005) or a principle of “inclusiveness” (Weithman, 2004). Chambers (2010)

[2] Idealized citizens’ hypothetical endorsement may not be a requirement for all liberal theories of justification. Even if we skip this Rawlsian step, it is still clear how legitimacy and justification are intertwined.

stresses that all theories of deliberative democracy have and must have certain views on public justification; however, all public justification theories are not and do not need to have a deliberative democratic approach (p. 895).

Overall, in the light of this framework of contemporary democratic theory, the question can be reconfigured. In order to assess the permissibility of religious discourses in the public sphere, we must, first, have definitions for the terms "religious discourse" and "public sphere" as well as criteria for determining the content of public reason (or for imposing restraints on attempted penetrations to public reason). Second, moving from the permissibility clause, we need a systematic view regarding the norms of public reason or procedural justice of a democratic model. Several aspects answer the question posed above. On the exclusivist side, which proposes to exclude religious discourses from the public sphere, Rawls and Habermas have an interesting argument that is intensely problematized in political philosophy. From inclusivist accounts, there are several responses that take the form of objections[3]. A comprehensive comparison of the arguments of exclusivist-inclusivist sides or point by point evaluations of all objections is beyond the scope of this thesis. Among the objections that are against exclusion, "the asymmetry objection" points to a crucial discussion regarding political liberalism. The engagement of this objection to the political liberalism as well as the refutation of the objection are interesting. Because engaging those does not only lead to a debate between exclusivist and inclusivist accounts, but it also tests political liberalism's coherence. Furthermore, this sort of analysis is promising as it opens up a particular reading of Rawls and brings a further epistemological question concerning neutrality

[3] For a comprehensive list of objections to Rawlsian idea of public reason in relation to deliberative democracy, see Quong, 2011, pp. 259-260 and Vallier, 2018; for a list of objections regarding the exclusion of religious discourses from public sphere in Rawls, see Yates 2007, 34-84.

of statements which do not take a side on the primary assumption (whether there is God or not).

Religious discourses are defined in this thesis as discourses grounded on religious reasonable and unreasonable comprehensive doctrines[4]. In other words, religious discourses are not simply descriptions or statements that have a religious theme. Rather, they are public justifications offered through a deliberation process to have an impact on authoritative decisions regarding the fundamental political matters of justice and their interpretations. The term "interpretation" here does not signify interpretations of democratic institutions with respect to public political culture or democratic traditions of a society; it signifies statutes that are reasonably justified with reference to essential norms established by a constitution in democratic regimes, e.g. laws, constitutional court decisions, executive orders. Discourses can be considered religious when they offer a certain type of reasons to a public for endorsements of a particular conception of justice as well as their interpretations to evoke coercive and regulatory political power of the state (This is what "the reasons within a religious comprehensive doctrine" means). Thus, reasons originating from a religious comprehensive doctrine indicate beliefs regarding the validity of a particular type of metaphysical truth claim. Either by affirming or negating the validity of a particular metaphysical truth claim, each religious comprehensive doctrine has a position on the proposition "There is God". Religious comprehensive doctrines and the reasons derived from them work with an assumption on the validity of this proposition and can have further validity claims regarding consequent or following propositions, like "There is God, but only one true God that is conceived

[4] Distinction between reasonable and unreasonable comprehensive doctrines as well as the definition of comprehensive doctrine will be covered in section 2.1.3.

as by me or by my religious community", "There is a text from God (inspirational or literal word of God) which is to inform our conducts and regulations organizing society in which we live", "The text is conveyed by a messenger of certain type or historical identity". This set of propositions and the depth of it determines how systematic or loose a religious comprehensive doctrine can be. They may take forms of full-fledged religions or looser spiritual or denominational identities. If the proposition is absolutely rejected (i.e. the participant claims that "There is not God" and starts from the assumption of the validity of this claim), then his/her religious comprehensive doctrine takes a form of atheism. Atheism, within this conceptual framework, is considered as only the rejection of the primary assumption (the assumption on the validity of the proposition "There is God" is called "the primary assumption" in this thesis). Atheists may or may not have epistemological or metaphysical views that have to be grounded on the absolute inexistence of God. Agnostics, on the other hand, do not ground their possible comprehensive views on a particular position regarding the primary assumption. However, this is the common core of all religious comprehensive doctrines; therefore, it indicates all religious discourses have a position on the validity of this primary assumption or metaphysical truth claim.

To sum up: If someone endorses the proposition "There is God", he/she declares a belonging to a deist comprehensive doctrine; if someone endorses all consequent or following assumptions like the ones illustrated above, he/she declares a belonging to a religious comprehensive doctrine. If someone does not express or does not want to express any claim regarding the validity of the prime assumption, he/she takes an agnostic position; if someone absolutely rejects the validity of the prime assumption, he/she takes an atheistic position.

CHAPTER 2

ARGUMENT FOR EXCLUSION: RAWLS' *POLITICAL LIBERALISM* AND HABERMAS' "INSTITUTIONAL TRANSLATION PROVISO"

2.1 Rawls' Political Liberalism

2.1.1 The main question of political liberalism

John Rawls (2005) formulates "political" liberalism by defining an essential terminology and interweaving them analytically in order to examine the relationship between the durable and inevitable pluralism of conflicting worldviews and the pursuit of peaceful as well as just coexistence of the members of a society. At the center of his analysis lies a crucial question –a famous and concise question that can be considered as most relevant to the modern societies in the contemporary political philosophy:

> How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines? (..) How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime? What is the structure and content of a political conception that can gain the support of such an overlapping consensus? These are among the questions that political liberalism tries to answer" (Rawls, 2005, p. xviii)

For an eye unfamiliar with the Rawlsian paradigm in political theory, some expressions may shine out directly, like "reasonable comprehensive doctrines", "overlapping consensus", and "the political conception of a constitutional regime". These may seem like dry expressions which can be expected from a liberal theory,

yet it is important to highlight them in order to show an inevitable relation between the question asked and the answer sought. From the very start, at the question level, political liberalism's definition begins to appear. The rest, then, takes a form of the definition of several concepts and a labor of connecting these concepts internally to take a form of a web of assumptions and propositions that build the idea of political liberalism.

2.1.2 The political conception of justice

Rawls' conceptualizes society as a political whole through explaining its two important characteristics. This political society should be imagined as "closed" and as using coercive power. The first one is there to eliminate complexity: The society is conceived as "self-contained and as having no relations with other societies" and membership to it is possible only through birth and members can exit only through death (Rawls, 2005, p. 12). The second feature emphasizes the fact of coercion that citizens necessarily use coercive and regulatory political power: "the political power exercised within the political relationship is always coercive power backed by the state's machinery for enforcing its laws", but in a constitutional state, this power is "the power of equal citizens as a collective body" (Rawls, 1999b, p. 482). "Involuntary" membership to a political society, necessitates "a conception of justice shared by all those affected" as Yates (2007) mentions (p. 13). These two features combined leads to the problem of legitimacy. Legitimacy is grounded when coercive actions of the state are justified in a way that all idealized reasonable citizens can endorse it publicly through their own reason (Rawls, 1999b, p. 485). However, it does not mean that, individually, each and every citizens' conceptions of justice will be actualized (Yates, 2007, p. 14). The conception of justice must be "acceptable" to

all citizens who are reasonable for coercive power to be legitimate. This is the idea of political conception of justice.

"The idea of political conception of justice" has three features: (1) it deals with "a specific kind of subject" that is "the basic structure of society", (2) it is offered as "a freestanding view", (3) its content is formed by "fundamental ideas seen as implicit in the public political culture of a democratic society" (Rawls, 2005, pp. 11-13). The basic structure of society is composed of "political, social, and economic institutions" that work with each other as an integral "system of cooperation from one generation to the next". Thus, the basic structure of society simply refers to "a modern constitutional democracy" [5] (Rawls, 2005, p. 11). Therefore, the main issues of the political conception of justice are foundational institutions as well as the principles regulate them (Rawls, 2005, p. 12). The second one is the crucial one that distinguishes the political conception of justice from comprehensive doctrines. It is desirable for a political conception of justice to be justified by comprehensive doctrines too; however, "it is neither presented as, nor as derived from, such a doctrine" (Rawls, 2005, p. 12).

[5] Rawls' theory seems like analyzing or writing a prescription only for democratic societies. One can suggest that Rawls' argument can only be valid/invalid for citizens living already under a democratic regime. This interpretation seems like contradicting the special status of political domain as a moral-political domain and the freestanding view of justice (This contradiction can be understood better in chapter 3). However, general validity of Rawls' argument does not have to depend on a universality claim and/or conception of moral agency as timeless and noumenal. This would not be plausible to put absolute monarchies to "a political liberalism test". However, this does not mean Rawls' argument is context depended and historical. It is still possible to claim that (1) the use of political power is only legitimate when it is justified in the public procedures of a democratic regime; therefore, a minimum of democracy is required to call a regime "just"; and (2) Rawls only speaks to citizens who already live or wish to live under a democratic regime. However, the terms like "democratic regime" and "constitutional democracy" and other similar terms are used interchangeably as Rawls states (2005, p. 11) and "the citizens who already live or wish to live under a democratic regime" just expressing a willingness to live under fair term of cooperation in a mutually beneficial way. This minimum of consensus can also be deduced from how Rawls' understanding of the relationship between legitimacy and justification differs from Locke's: Public justification is "offered to those who already agree that some kind of state must be justified" (Simmons, 1999, p. 759).

Rawls (2005) admits[6] that the political conception of justice is a moral conception (p. 11); however, those three features listed above differentiates it from moral comprehensive doctrines. Moral conception of justice is different from "comprehensive" doctrines as it has the character of being "general". The difference is about the scope: moral doctrines' subject is wider and universal. That is, a "general" moral conception applies to "a wide range of subjects, and in the limit to all subjects universally" (Rawls, 2005, p. 13). They involve conceptions regarding "the value in human life", "ideals of personal character", "ideals of friendship and of familial and associational relationships", and the conception of the ways in which "inform our conduct, and in the limit to our life as a whole" (Rawls, 2005, p. 13). Accordingly, while religious and philosophical moral doctrines can be regarded mostly as "both general and comprehensive" (Rawls, 2005, p. 13), the conception of political justice aspires only to be general. The third feature of the political conception of justice assumes that a democratic society has "a tradition of democratic thought" (Rawls, 2005, p. 14). This public political culture affects the practices and interpretations of the political institutions; however, comprehensive doctrines composes "the background culture" which is "the culture of the social, not of the political" (Rawls, 2015, p. 14).

2.1.3 Reasonable and unreasonable comprehensive doctrines

From this framework, religions are comprehensive doctrines: some are "fully" comprehensive whereas some can be "partially" comprehensive. A doctrine is "fully comprehensive" when it includes the values and virtues stated above through a

[6] The reason for using the verb "to admit" will be clear in the chapter on Rawls' Kantianism while explaining the division between ethical, moral, and political domains.

"system". This system is preferred to be "precisely articulated" for the sake of definition. Partially comprehensive doctrine refers to some but not all values and virtues besides being "loosely articulated" (Rawls, 2005, p. 13).

Comprehensive doctrines are also separated into two: reasonable and unreasonable. The distinction will be clearer as we explain the concept of "burdens of judgment". Reasonable comprehensive doctrines do not "reject the essentials of a democratic regime" (Rawls, 2005, p. xvi). Rawls (2005) does not pretend unreasonable ("even mad") comprehensive doctrines do not exist. However, he suggests to "contain them" in order to prevent a harm to "the unity and justice of society" (p. xvii). It can be claimed that one of the ways of this containment occurs is exclusion of unreasonable comprehensive doctrines from the public reason[7]. Voice (2014) summarizes the distinction as follows: Citizens from reasonable comprehensive doctrines offer arguments in public political debates which their fellow citizens may accept. Reasonable citizens recognize the controversy over deep philosophical, religious, and moral conceptions and do not assume that they have the absolute truth originating from their comprehensive doctrines while offering public reasons; so that they do not attempt to use coercive political power on others grounding their views on these truth claims (p. 127). Of course, citizens from comprehensive doctrines, for instance religious citizens, may believe that they have the absolute truth regarding a deep metaphysical, philosophical, or religious controversy; however, by appealing to those truth claims during public justification,

[7] What is meant by this containment will be clearer at the end of this chapter in the summary of Rawls' argument for exclusion. Consider, containment, here, as a way of protection from the possible harms that can come from unreasonable comprehensive doctrines. Note that, in order to be qualified unreasonable, a comprehensive doctrine should be rejecting the criterion of reciprocity and the political conception of personhood (the doctrine do not recognize the other citizens as free and equal as well capable of cooperation under fair terms).

they assert that those truth claims can be validated publicly. However, justification can be contained within "a sufficient public basis for political questions" (Rawls, 2005, p. 127). In which case, they speak at a level that political constructivism of Rawls does not speak. Political constructivism stays agnostic at these deep metaphysical, philosophical, and religious controversies (not by claiming that, for instance, "We cannot be sure about the existence of God", but by saying nothing at this level). As Rawls (2005) states:

> […] here it does not speak. It [political constructivism] says only that for a reasonable and workable political conception, no more is needed than a public basis in the principles of practical reason in union with conceptions of society and persons (p. 127).

Therefore, Voice (2014) indicates that reasonable people recognize the distinction between "the political" and "the general". Unreasonable citizens, on the other hand, base their justification for political discourse and action on the grounds of only their comprehensive doctrine, which declares unwillingness to cooperate with the others (p. 127).

2.1.4 The fact of reasonable pluralism and the burdens of judgment

In modern societies, under democratic regimes, many conflicting comprehensive doctrines exist and endure. People have differing interests, various worldviews and belongings that produce a tendency for them to have narrower viewpoints. Diversity in such societies, then, marks "the fact of pluralism" (Rawls, 2005, p. 36). "The fact of reasonable pluralism" is, on the other hand, about enduring diversity of conflicting but reasonable comprehensive doctrines. The fact of reasonable pluralism is not a thing to be afraid of, it is "the natural outcome of activities of human reason under enduring free institutions" (Rawls, 2005, p. xxvi). The fact of reasonable pluralism is

not there to fade away or to be overcome. It is a fact that stems from "freedom of conscience anchored in the liberal ideal"; therefore, it is not accidental but permanent (Yates, 2007, p. 14). From this perspective, "the fact of oppression" refers to the necessary use of oppressive power in order to guarantee the trump of a single comprehensive doctrine within a society. One comprehensive doctrine's rule, even if it is reasonable, can only be established and sustained through the use of oppressive state power (Rawls, 2005, p. 37). Therefore, the fact of pluralism requires the political conception of justice to be a conception that "even irreconcilable comprehensive doctrines can endorse" (Rawls, 1999b, p. 474).

Yates (2007) indicates that Rawls does not attempt to remove the conflict within society but "instead to remove from the public agenda the resolution of conflicts about extra-political matters" (p. 15). Therefore, reasonable disagreements will also endure. Rawls (2005) defines the first and basic feature of reasonable as ""the willingness to propose fair terms of cooperation and to abide by them provided others do" (p. 54). At the epistemic level (the second aspect of the reasonable), the source of a reasonable disagreement is "the burdens of judgment". Reasonable disagreement is considered to be between reasonable persons (Rawls, 2005, p. 55). That is, they recognize each other as free and equal in a democratic regime and are willing to abide fair terms of cooperation. They accept each other as a bearer of "a common human reason"; therefore, they are equal at the level of capacity of having "similar powers of thought and judgment" (Rawls, 2005, p. 55). The six burdens of judgment are listed in *Political Liberalism* as the following:

(1) Empirical and scientific evidence can be conflicting and complex, which makes them difficult to evaluate

(2) Disagreement on the evidence's weight can lead us to conclude with different judgments even in the case of agreement about the sorts of relevant considerations

(3) All concepts can be "vague and be subject to hard cases"; this causes indeterminacy which requires us to depend on "judgment and interpretation"

(4) Differing total life experiences have an indefinite effect on the ways we evaluate evidence as well as "weight of moral and political values"

(5) Normative considerations differ with varying forces that prevents rational people to come to the terms on an overall assessment

(6) "Any system of social institutions is limited in values it can admit"; it causes "great difficulties in setting priorities and making adjustments". (Rawls, 2005, pp. 56-57).

Rawls does not take a relativist or skeptic position. These burdens are described to emphasize the inevitability of reasonable disagreements over comprehensive doctrines. The commitment, here, is to fairness towards disagreeing parties and not to the correctness of both sides in a disagreement (Blake, 2014, p. 75). These burdens mark the importance of "a democratic idea of toleration". Even "with full powers of reason" reasonable people may not agree on conclusions about "our most important judgments" (particularly, conflicting judgments from comprehensive doctrines) under the conditions of a free discussion. Assuming that diversity of opinion in the cases which are subjected to the burdens of judgment stems from "ignorance and perversity" or "rivalries for power, status, or economic gain" is quite dangerous (Rawls, 2005, p. 58). Because neglecting the burdens of judgment and seeing these controversies as a result of the opponents' inherent or socially constructed inabilities to conceive the whole truth can only lead to propose (1) destruction of the opponent

because he or she is inherently incapable of comprehending the full truth, or (2) indoctrination or taming of the opponent through means of education and law enforcement in order to overcome his or her ignorance or perversity, or (3) rejecting that the arguments offered are not sincere and only the social or economic status or class of the citizens speaks. It is quite clear that why the first two are dangerous. The third one, on the other hand, diminishes all value of the words and the process of exchanging it. It directly attacks the very notion of justification and do not give a chance to do politics in Rawlsian sense. This eventually leads, in the best scenario, to a modus vivendi or in the worst scenarios, a civil war or domination of a particular interest group through crude force. Rawls does not conceive political power as the power play between friends and foes through the means of crude force, violence, and unjustified laws.

2.1.5 Public reason

The idea of public reason, for Rawls, determines "the basic moral and political values" which sets the discursive relation among citizens as well as "a citizen and the state in a just constitutional regime" (Yates, 2007, p. 26). In other words, it is "the shared form of reasoning" used by citizens of a democratic regime while deliberating on constitutional essentials (Neufeld, 2014, p. 666). It is a "part of the idea of democracy itself" (Rawls, 2005, p. 441).

Public reason, then, is the realm of public justification involving the exchange of public reasons between citizens to determine the principles of justice and the ways in which political coercive power will be used. This exchange occurs between reasonable citizens having a background of reasonable comprehensive doctrines. Public reason, therefore, is a medium of cooperation (under fair terms) that

is subjected to reasonable pluralism. Rawls (2005) emphasizes the "definite structure" of public reason and suggests that public reasons must be thought of in its integrity (p. 442). Public reason is characterized by five aspects of as follows: (1) Public reason applies to "the fundamental questions" which are constitutional essentials or the principles of justice and their interpretations (Rawls, 2005, p. 442); (2) It applies to the persons holding a specific status, namely "government officials and candidates for public office" (Rawls, 2005, p. 242). This is an important aspect because this shows the scope of persons that are subjected to the constraints of public reason: not ordinary citizens in their private conversations but officials or candidates in the process of enacting laws are of concern. The idea of public sphere, then, resonates in a nuanced way in Rawls. The public sphere, understood as the place for the use of public reason, is limited to "formal" publics. These are, for instance, the assembly and the constitutional court; (3) Public reasons' content is provided by "a family of reasonable political conceptions of justice" (Rawls, 2005, p. 242); (4) "The application of these conceptions in discussions" about norms and legitimate laws (Rawls, 2005, p. 242). As Rawls (2005) indicates "the definitive idea for deliberative democracy is the idea of deliberation itself" (p. 448). Procedures for enacting laws that are grounded on the ideas about coercive norms are also under inspection through the lens of the political conception of justice; (5) Public reason needs citizens to "check" that the principles of justice "satisfy the criterion of reciprocity" (Rawls, 2005, p. 442).

Accepting the "criterion of reciprocity", for reasonable people, means that they recognize each other "as free and equal in a system of social cooperation over generations" and when "they are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of

political justice" (Rawls, 2005, p. 446). For *Political Liberalism*, the criterion of reciprocity is a matter of great importance, on the other hand, it is a concept that is also used in the idea of "justice as fairness". In *A Theory of Justice,* Rawls (1999a) uses this concept as one of the principles to ground "difference principle" as Moon (2014, p. 704) states. For citizens, to accept the difference principle, it must satisfy the criterion of reciprocity: "those who are better off at any [given level of income and wealth] are not better off to the detriment of those who are worse off at that point" (Rawls, 1999a, p. 704). For *Political Liberalism,* this criterion "leads directly to the liberal principle of legitimacy and the related idea of public reason" (p. 704). Another aspect of the criterion of reciprocity that it defines the character of a political relation as a "civic friendship" (Rawls, 2005, p. 447).

Who rejects the idea of public reason? For Rawls, it is clear: People who believe that "fundamental political questions" must be decided on the grounds of their comprehensive doctrines, i.e. "what they regard as the best reasons according to their own idea of the whole truth" but not on the basis of "reasons that might be shared by all citizens as free and equal" (Rawls, 2005, p. 447). However, at this level of abstraction, we must be clear on who should restraint their comprehensive views from public reason: Who are the persons that are assigned duty to give reasons which could be shared or endorsed by the all? The second aspect of public reason gives it an answer (government officials and candidates for public offices). However, what about ordinary citizens? At this point, Rawls (2005) defines the "duty of civility". Rawls distinguishes "the idea" of public reason from "the ideal" of public reason. The ideal is "realized or satisfied" when public officials (judges, legislators and so on) and candidates (1) "act from" "the idea" of public reason, (2) "follow" "the idea" of public reason, and (3) "explain" their political positions regarding fundamental

political matters. However, they must provide this explanation on the grounds of the most reasonable (according to them) political conception of justice. Rawls (2005) calls this "their duty of civility" (p. 444). This duty is both towards one another and towards their fellow citizens. Their compliance with this duty can be observed from their "speech and conduct" regularly (Rawls, 2005, p. 444). Ordinary citizens, on the other hand, even if they vote for representative assemblies and on referenda, are rarely directed to straightforward fundamental political questions. However, at the idealization level, citizens must regard themselves "*as if they were legislators"* and should question themselves whether their position (and reasons behind their positions) on the matter of voting satisfies the criterion of reciprocity (emphasis in original) (Rawls, 2005, pp.444-445). Herein, Rawls (2005) makes an important remark on the duty of civility: It is a "moral" duty and not a "legal" one. If the duty of civility is to be conceived as a legal duty, it would be incompatible with "freedom of speech" (p. 445).

2.2. Habermas' "institutional translation proviso"

The sources for Habermas' theory of deliberative democracy as well as its relation to religion is more complex. Rawls presents his theory in a more unified way. Habermas' theory has several pillars including his theory of "communicative action" and the idea of "post-metaphysical thinking". And yet, there are many parallels between arguments of Rawls and Habermas which are frequently drawn in the literature on social justice, deliberative democracy, and the relationship between religion and politics. Since this thesis analyzes mainly one objection to the exclusion of religious discourses from the public sphere within the framework of Rawls' *Political Liberalism*, I do not work out Habermas' theories thoroughly. Instead, only

"the institutional translation proviso" will be evaluated after a summary of Habermas' views on the relation between religious discourses and the public sphere. The institutional translation proviso is offered as an inclusive move towards religious comprehensive views. Therefore, what is solved by this proviso and if it is different from Rawls' "wide view" must be evaluated.

2.2.1 Habermas' view: Religious discourses in the public sphere

Habermas' position with regard to the debate about the place of religious discourses in the public sphere has changed over time. In the earlier writings, especially on the public sphere, Habermas seems to be defending the position that "enlightenment entails the diminishment of the role of religion in modern societies" (Yates, 2007, p. 137). Mainly, in *The Structural Transformation of Public Sphere*, Habermas (1991) (originally published in 1962) establishes some "counterfactual expectations" from the public sphere that are "criticized both for their idealism *and* for the actuality of their perceived exclusionary tendencies" (Platt and Majdik, 2012, p. 138) (emphasis in original). Habermas' "theory of rationality was too narrow or unfairly biased toward scientific reason" as Yates (2007, p. 137) summarizes[8]. According to Yates (2007), "religious contexts" do not necessarily lack "self-reflective discourse". Habermas' disregard for religious citizens' function in "public-political discourse" displays "a blind-spot" in terms of the function of "religious public debate" during 17th century while the public sphere develops in addition to "the promise of self-criticism found within contemporary religious public spheres" (p. 137).

[8] For one example of criticisms, see Zaret, 1992.

Habermas (1996) took a different turn in *Between Facts and Norms* and has been willing to deal with "the fact of pluralism" as presented by Rawls (Yates, 2007, p. 137). Habermas accepts that his "discourse principle" is not purely formal and has a "normative content". However, at this level of abstraction, similar to Rawls, he suggests that this "discourse principle" is "*still neutral* with respect to morality and law" because the level of generality it presents with regards to "action norms" (emphasis in original) (Habermas, 1996, p. 107). This principle assumes the validity of action norms to an extent that "all possibly affected persons could agree as participants in rational discourses" (Habermas, 1996, p. 107). This view sets the terms of neutrality for Habermas.

Loobuyck and Rummens (2011) argue that Habermas, in his later approach accepts the durable impact of religions at the individual, cultural and political levels despite "sociological secularization" and his previous convictions; and this constitutes the "post-secular context" (p. 237-238):

> Today, public consciousness in Europe can be described in terms of a 'post- secular society' to the extent that at present it still has to 'adjust itself to the continued existence of religious communities in an increasingly secularized environment (Habermas, 2008b; 2003).

Loobuyck and Rummens (2011) notes that Habermas argues for "a complementary learning process"[9] between religious and nonreligious (or secular) people for "a peaceful coexistence" (p. 238). Religious traditions should try to "reconcile" their beliefs with religious freedom as well as recognizing "independent validity of scientific knowledge" and "the secular character of the constitutional state"

[9] With the assumption that this learning process will be contained within a translation process as explained later in this paragraph, Rawls and Habermas has similar points regarding "benefits" of reasonable pluralism and a dialogue between different reasonable comprehensive doctrines even if they are conflicting: "Citizens learn and profit from conflict and argument, and when their arguments follow public reason, they instruct and deepen society's public culture" (Rawls, 2005, p. lvii)

according to Habermas (2008a, p. 113; as cited by Loobuyck & Rummens, 2011, p. 238). Secular citizens, on the other hand, should respect their "fellow religious citizens as equals" (Loobuyck & Rummens, 2011, p. 238). In addition, they may not deny that religious doctrines can have the truth in principle and that religious citizens' potential contribution to public discourse even though it is presented in "religious language" (Habermas, 2008a, 113). Habermas goes even further and suggests that secular citizens can play a role in the process of translation of "relevant contributions" from religious citizens by "a liberal political culture"; this translation is from religious language to "a publicly intelligible language" (Habermas, 2008a, p. 113).

2.2.2 "Institutional translation proviso" and formal/informal publics

Both Rawls and Habermas' recognize the importance of a religious citizens' demand for self-expression. They both see how this demand and the content that would be provided by religious comprehensive doctrines are relevant to public debate. And yet, they both exclude religious contents from public reason. Both philosophers think that religious justifications have no place in public political discourse that is conducted within the demarcations of formal public spheres. This point brings us to the famous "institutional translation proviso" of Habermas.

Habermas' revisions of his views on the strict exclusion of religious discourses from the public sphere have continued with his introduction of "institutional translation proviso". Accordingly, religious citizens can offer reasons within their comprehensive worldviews during a public debate. Religious discourses are permitted to be effectively expressed only within the limits of the informal public sphere. These reasons must be translated into secular reasons during the debate.

Secular reasons are viewed by Habermas as accessible to all citizens. The translation process must be finalized before those reasons are presented to the debate held by formal public spheres. Formal public spheres contain institutions that are capable of making authoritative and binding decisions as well as defining principles of justice and establishing their interpretations, like national assemblies and constitutional courts[10]. In due course, the proviso "operates as a necessary filter between the informal and the formal public sphere" (Loobuyck & Rummens, 2011, p. 239).

Note that conceptualizations of and differences between formal and informal public sphere are not that simple. In a chapter, titled "Deliberative Politics", of *Between Facts and Norms*, Habermas (1996) devotes considerable effort to construct both and reveal the relationship between them[11]. It can be claimed that this point is missing from Rawls' abstraction of the public sphere. By responding to Joshua Cohen's procedural account of deliberative politics, Habermas adds further analysis by showing their relation. Accordingly, there is a relation between "decision-oriented deliberations" and "the informal processes of opinion-formation". "Democratic procedures" regulates the former. However, these procedures are not simply regulations on the organizations of voting as in the case of general elections. These types of voting only "follow" "informal opinion-formation". The procedures also regulate rules of a "sitting", terms for an "agenda" to be "negotiated" and "resolutions" to be passed when necessary. These procedures make up "the reference point" for the constitution of "socially bounded and temporally limited publics". Formal publics are "arranged publics". These also play a role in structuring opinion-

[10] For Rawls, "duty of civility" applies also to candidates of public offices. Therefore, the criteria of permissible reasons in "the public" also restrict candidates during electoral campaigns. Even if their expressions do not contribute to law making process directly at that time, candidates present their willingness to give their reasons in the bodies that are capable of

[11] For further analysis, see Habermas, 1996, pp. 287-328.

formation as well as will-formation while holding a view on solutions that are grounded on cooperation. These solutions are addressed to practical questions at hand, “including the negotiation of fair compromises”. However, a formal public is a “context of justification whereas an informal public is a “context of discovery” at the operational level. The former deals with justifications of “the selection of a problem and choice among competing proposals for solving it”; the latter deals with a “preparatory work” and “new ways of looking at problems”. Informal public (or “weak” public”) is considered as “the vehicle of public opinion” (Habermas, 1996, p. 307). This relation defines the characteristics of formal and informal publics as well as the contribution of an informal public to the process of deliberation –a point which is lacking in Rawls’ analysis. However, for our purposes, it can be said that Habermas does not differ from or add to Rawls’ justification for the special status of formal publics by making this distinction.

Habermas presents “institutional translation proviso” as a solution to several objections to exclusion of religious discourses including asymmetry and split-identity objections (the asymmetry objection will be explained in the next chapter in detail). However, when it is considered that translation is still required in formal public spheres, it is questionable how Habermas solves these objections differently from Rawls (Lafont, 2013, p. 413). For Rawls, “duty of civility” is a requirement for only public officials and candidates for public offices; and for citizens, it cannot be a legal requirement but a moral one. Thus, it cannot be enforced through the coercive use of state power. Therefore, according to “wide view” of public reason, citizens are allowed to give their reasons from religious comprehensive doctrines if and only if they find “properly public” reasons (that they claim their comprehensive doctrines support) “in due course” – Rawls also calls this “proviso” (Rawls, 2005, p. 453).

Habermas takes one step further conceptually by introducing “institutional translation proviso” and sharpens the point which is also presented by Rawls. However, in the case of formal publics nothing changes. Religious discourses are still excluded from justification procedures of foundational and regulating norms of justice and do not qualify as “public” reasons for both Rawls and Habermas at this level of abstraction.

CHAPTER 3

THE KANTIAN CORE OF POLITICAL LIBERALISM

It is not the task of this thesis to expound on Rawls' *Political Liberalism* to prove its Kantianism point by point. However, working out the Kantian notions in Rawls is necessary in order to comprehend the political conception of justice as a freestanding view. Neutrality of deliberative processes and legitimacy of state action are claimed to be guaranteed on the basis of this conception. Therefore, the Kantian core of *Political Liberalism* must be revealed: Universal claim to justice, as a freestanding conception of political justice, is Kantian as well as the way of thinking about the domain of the political.

I argue that the defense of this Kantian core is made by Rawls in *Political Liberalism*. This is what this thesis calls Kantian reading of Rawls. In the following chapter, I demonstrate the extent that political liberalism is Kantian; there are non-Kantian readings referred here as standard or familiar readings of Rawls. The most prevalent one comes directly from Rawls (2005) as he tries to distance himself from Kantian moral doctrine at several points in *Political Liberalism.* In the next chapter, it will be shown that even the standard reading is capable of overcoming the asymmetric burden and internal incoherence claims from the asymmetry objection; however, it cannot meet the objection fully when the objection pressed further against political liberalism. Because it lacks necessary explanatory power which the Kantian reading has. Explanatory power, here, comes from the labor of revealing the Kantian elements of the freestanding view of justice.

The standard reading of Rawls would be insufficient to meet the asymmetry objection as Quong (2011) finesses the Rawls' response to the objection:

Foundational disagreements about justice cannot be reasonable. A Rawlsian perspective stand behind this proposition. The aim of this chapter is to present Forst's (2017) Kantian view which will later be connected to the conclusions from Quong's (2011) analysis. For I claim that only a Kantian view can overcome this objection by emphasizing the freestanding feature of the political conception of justice. Disregarding the Kantianism of Rawls would give credit to the asymmetry objection ultimately.

To start with, we should explain the parallels between political liberalism and comprehensive liberal views. Why is political liberalism not just another comprehensive liberal doctrine? If not, why does political liberalism give unfair advantage to comprehensive liberalisms? I argue that, briefly, is an overlap between a comprehensive doctrine and political conception of justice does not sufficiently justify the asymmetry objection. A religious view can also have parallels to political liberalism in term of values they produce. Any comprehensive view can have such parallels because the political conception of justice is freestanding and the political constructivism of Rawls enables all reasonable comprehensive doctrines to endorse the principles of justice within their comprehensive views as long as the principles are also independently justified. The issue at stake here is not about regulating public reason so as to distribute all burdens of justification to all comprehensive doctrines equally, but to construct a moral-political domain and conception of a procedural justice which is equally accessible to all, shareable by all, and endorsable by all and independent from all reasonable comprehensive doctrines.

3.1 Rawls' Kantianism

It is not new that Kantian influences echo throughout the whole body of work of Rawls. Rawls himself writes on Kantian aspects of his theory in both *A Theory of Justice* and *Political Liberalism*. So much of this effort is put on distancing himself from Kantian moral theory and constructivism even though he admits that as a criticism of utilitarianism, justice as fairness is "highly Kantian in nature" (Rawls, 1999a, p. xviii). Rawls' efforts on the relation between his theory and Kant's philosophy depends on expected and received criticisms regarding the degree and qualifications of his Kantianism[12]. In *A Theory of Justice,* he admits that his theory is open to Kantian interpretations (Rawls, 1999a, pp. 221-227) and original position itself can be taken as "a procedural interpretation of Kant's conception of autonomy and the categorical imperative within the framework of an empirical theory" (Rawls, 1999a, p. 226). To what extent it differs from a purely Kantian moral theory will be briefly discussed. In later, writings, especially in *Political Liberalism*, he feels a need to argue for a conceptual distinction between Kantian moral constructivism and his "political" constructivism. However, even this distinction depends highly on operationalization of practical reason. Thus, his efforts for distancing himself from Kant can be regarded as successful in terms of the distinction between moral and "political", a significant core remains that is enough for Rawls to be regarded as a Kantian. I argue that analysis of the asymmetry objection reveals this core; and in order to give an adequate response to the asymmetry objection, this core must be defended.

[12] For example, Johnson (1974) accuses Rawls with not being adequately Kantian or completely in line with Kantian terms of autonomy. A response to that is given by Darwall (1976) which depends on a Kantian interpretation of Rawls. Krasnoff (2014b, pp. 399-400) agrees with Darwall's response with reference to Rawls' –in a case that can be evaluated as a break from standard reading of Rawls.

Krasnoff (2014a) suggests that moral (and political) philosophy must be dealt with as an "autonomous" field, which is distinct from scientific and metaphysical types of inquiries (p. 395). This view is inherent in Kant's definition of morality. Morality is a domain of unconditionality, that is, what should be done is not depended on what we observe from the world and what we do in actuality. Moral philosophy is a practical branch of philosophy in terms of already existing moral consciousness must be clarified through it. In parallel, Rawls' proposal is that citizens of a democratic regime have already "a sense of justice" that must be "clarified in reflective equilibrium to produce an ordered set of principles that can serve as the basis of political justification in a well-ordered society" (Krasnoff, 2014a, p. 395).

In Kant, moral agents conceive themselves as "autonomous" which means they are able to act upon "principles they have legislated for themselves (Krasnoff, 2014a, p. 395). Philosophically, this understanding of autonomy takes its roots from a metaphysical account. Rawls claims to propose "a less metaphysically loaded" version of autonomy (Krasnoff, 2014a, p. 397). For Kant's concept of autonomy, on the negative side, agents are able to act as free from their inclinations and can act on the grounds of their moral duties; therefore, moral responsibility can be claimed on the basis of this "negative freedom". On the positive side, agents can comprehend morality "as rationally required", so "positive freedom" is "the expression of their understanding of themselves as practically rational (Krasnoff, 2014a, p. 396). Rawls (2005) contrasts his political constructivism with rational intuitionism (a form of moral realism) on several points, one of them is about the theoretical-practical distinction. The "procedure" of construction, according to Rawls, is founded on "practical reason" rather than theoretical reason:

> Following Kant's way of making the distinction, we say: practical reason is concerned with the production of objects according to a conception of those objects—for example, the conception of a just constitutional regime taken as the aim of political endeavor—while theoretical reason is concerned with the knowledge of given objects. (Rawls, 2005, p. 93)

Rawls leaves aside the first component which suggests negative freedom corresponds to a justification of conceiving agents as free from casual determination; "the metaphysical defense of the compatibility of countercausal freedom with scientific naturalism" (Krasnoff, 2014, p. 396). On the other hand, the second component is incorporated as "moral (and political) principles can be derived simply from the idea of ourselves as free and rational" (Krasnoff, 2014, p. 396). Moral and political principles, here, are practical principles. Kantian conception of autonomy is not stressed; however, practical reason is incorporated to build the road for "political" constructivism.

Political constructivism's idea of autonomy is conceived as "political autonomy" which can be derived solely from the conception of persons as free and equal. This is practical in the sense that it tries to find a solution to the problem of the legitimate use of state power under the fair terms of cooperation and given the fact of reasonable pluralism. The important aspect of this interpretation is that this is neither rejecting nor welcoming Kant's idea of moral autonomy of agents. Rawls only leaves aside a claim that considers this conception of autonomy as "true" in the sense that it is metaphysically grounded. And yet, the question of how is it possible to leave the first component aside and still claim that agents can be fully rational without conceiving them as morally autonomous is a matter of further debate. It can be claimed that they are politically rational as they are politically autonomous. "The order of values" can or cannot be constituted by "the activity (..) of practical (human)

reason itself" (constitutive autonomy); but "the order of *political values*" can be "based on principles of practical reason in union with the appropriate political conceptions of society and person" (doctrinal autonomy) (Rawls, 2005, p. 99) (emphasis added). Moral and universal principles that generally and comprehensively apply to our lives can be a matter of metaphysical discussions. However, the principles of justice or the political conception of justice is not a matter of a metaphysical debate when an individual is conceived as a political person (not a subject of universal moral laws or a timeless and noumenal agent). For political persons, we can realistically argue whether citizens live under the laws they authored. Capacity to reason and willingness to cooperate (not a metaphysical truth claim regarding the right course of action universally) are the sources of the laws. In this way, Rawls can argue for a political autonomy without necessitating moral/individual autonomy.

3.2 Ethical, moral, political

The Kantian core needs to be justified in order to meet a more substantial version of the asymmetry objection and the general objections towards the exclusion of religious discourses from public reason. To comprehend the core (freestanding view of justice) fully, three levels of normativity can be distinguished. At each level, one finds answers about what should be done that have different binding powers. For ethics, the concern is what should a subset of society do. This subset is formed by becoming a member of a community, group, religion, occupation and so on. This membership also implies that members bear responsibilities or accept have beliefs on a particular set of assumptions. For example, health professionals are members of a professional community which are trained to provide for health care for individuals

who are in need, trusting them and seeking for solutions to their problems. They have particular function and responsibilities in relation to both their fellows and individuals who are outside of the community. They operate under a scientific paradigm and are subjected to specific sensibilities about psychology, privacy, and service. Thus, the ethical code for health professionals is (and must be) quite specific and effective but does not have to (and must not) bind persons outside of the field. For another instance, a member of religious community accepts a certain set of metaphysical assumptions; therefore, has specific duties toward the God. These duties may lead him/her to reshape his/her daily life in conformity with the view presented by the religion and to reinterpret his/her relationship with community, family, and persons outside of the religion.

Morality, on the other hand, must regard "the all". Its answer on "what should be done" relates to everybody, suggests the motivations for right action and sets standards for filtering right and wrong for all times for each person in relation with everybody. Universality is a component of moral claims. Without appealing to the universal character of morality, there is no other way of conceptualizing morality. Otherwise, the distinction between ethics and morality diminishes and all we are left with appears to be ethics according to the Kantian view.

The only membership requirement for morality is being a rational being (or as in the case of animal ethics, other sentient beings can be included as moral subjects if not as agents). However, at the morality level, the proposals for the right courses of action or limitations over all possible actions can be depended on metaphysical truth claims. To illustrate, when a religious person believes in the God and accepts the duties that naturally follows his/her belief, we must assume that he/she "sincerely" believes that the premise "There is God" is absolutely true.

Therefore, propositions following this premise must also be true. These absolute truths are the truths for everybody. Thus, everybody (and the world) should be regulated by this absolute truth. However, regulating the material world through the state is only possible via coercive power. Imposing one comprehensive doctrine over the other citizens is only possible through oppression ("the fact of oppression). The alternative for oppression is cooperation. In the domain of cooperation, actions that affect others should be justified to them. Therefore, metaphysical truth claims must be left outside of this domain because the conceptions of the good are subjected to "the burdens of judgment" in a way to which the conception of justice is not subjected. "The political" as the domain of the matters that regard "the all" is thereby constructed. Pay attention to the crucial assumption that "actions that affect others should be justified to them". This grounds on nothing other than Kantian maxim that treating the others not as mere means, but as ends in themselves. Therefore, construction of the political as not-metaphysical domain and the postulate about a freestanding idea of justice are done in this way.

On the other hand, an objection can follow this line of reasoning: Citizenship is a sort of membership and subject to all the characteristics of ethical claims as defined above –then, why are the principles of public reason not under the ethical domain? The political conception of personhood and the priority of the right distinguished the political domain from the moral. The political, as conceived in this way, is overarching and prior to the moral as a thin but underlying layer of any relationship that has a public character. The political is the domain where authoritative and binding decisions are made legitimately; it sets the playground for different ideas of morality and it allows running of practices constrained in ethical domain unless they do not contradict with the political conception of justice. Thus,

the political domain must be distinct from the others. It is not another realm of "ethics" as "ethics of citizenship" if it is conceived in this way. Surely, theorizing about public reason and justification as a matter of "the ethics of citizenship" is possible[13]. However, construction of the political, which is described above, can only be justified on a Kantian reading of Rawls, as Forst (2017) suggests. According to Forst (2017), Rawls did not distinguish "Kantian constructivism in moral theory" from "Kantian constructivism in political theory". This led to certain ambiguities. However, more importantly, Rawls lacks a terminology to denote "the notion of morality he required and used for the political conception" apart from "the notion of morality that was part of a comprehensive view". Forst (2017) suggests using "moral-political" to denote "the political" and "ethical" to denote "the moral" (pp. 143-144) ("the moral", here, refers to all comprehensive views).

3.3 Forst: A Kantian view

So far, I pointed out the difference between Kantian and Rawlsian constructivism and the role of practical reason in Rawls' theory. As I have argued above, the task is not to prove that "Rawls' theory is a derivative of Kant's moral theory" (in its literal sense, it is obvious that it is not) or "Rawls cannot be considered as Kantian under no circumstances" (which is plainly wrong). The relation between Kantian and political constructivism as well as the role of practical reason in Rawls' construction are important notions. To pursue the goal of this chapter, the extent of Rawls'

[13] Consider that "duty of civility" and "institutional translation proviso" distinguishes formal and informal publics as well as ascribes citizens and officials a different status with respect to the special domain of political. Therefore, ethics of citizenship can also be thought of as a special area in ethics; however, the matter of debate here is "norms" of "the political" which is separated from ethical, social, and economic domains –whether it is a special sub-domain of "the moral" or it is even prior to it.

Kantianism must be reassessed; after then, we can qualify his conception of "freestanding" view of justice as Kantian.

Forst (2017) starts his analysis by marking Rawls' self-imposed distance from Kantianism. "Political liberalism" is presented by Rawls in a way that avoids being defined just as another "comprehensive doctrine". The term Forst (2017) suggest for political liberalism is "a noncomprehensive Kantian moral-political theory" (p. 123). When it is thought like this, political liberalism offers a political conception of justice which is "compatible with" the fact of reasonable pluralism. Reasonable comprehensive doctrines are reasonable to the extent that they "independently" define and justify principles of the political conception of justice. Forst's emphasis is on the term reasonable "does most of the Kantian work" (Forst, 2017, p. 125). Rawls' project of developing "a freestanding conception of justice" was grounded on "noncomprehensive principles and ideas of practical reason alone" cannot be understood via the standard reading of Rawls, according to Forst (2017, p. 123). From Forst's viewpoint, Rawls' operationalization of practical reason in his theory, as described in the previous section, would qualify Rawls as enough Kantian since he suggests a full understanding of Rawls can be achieved through a Kantian interpretation.

As mentioned in the section 3.1, Rawls assessed his theory's relation with Kantian autonomy and the categorical imperative as just being "a procedural interpretation" in *A Theory of Justice*. However, throughout the work, Forst (2017) highlights, Rawls' could not limit his conception of persons with only practical reason, but reached further through an interpretation of Kantian autonomy as well. Rawls advocates a motivational agreement and harmony between political, social and individual "goodness" with reference to Kant's idea of "desire to act justly and

the desire to express our nature as free moral persons turn out to specify what is practically speaking the same desire" (Rawls, 1999a, p. 501; as cited in Forst, 2017, p. 124). Remember that this idea of the expression of identity (or self-understanding) as "practically rational" was a component of the notion of positive freedom which we indicated that in *Political Liberalism*, Rawls breaks up with. This type of "unified practical identity" was constitutive rather than constraining with regards to the good (Forst, 2017, p. 124; Rawls, 2005, p. 99). Rawls considered this attempt, in *Political Liberalism*, as "unrealistic" and "contradictory" because it created dissonances with a "pluralistic society" (Forst, 2017, p. 124; Rawls, 2005, xvi). Rawls conception of person in *A Theory of Justice* was too Kantian, so he moved away from this conception to limit his theory to the political domain. Besides, Rawls confines conception of justice to "the political" as well as justifies values that can be regarded as "implicit" in the public culture of a constitutional regime (Forst, 2017, p. 124; Rawls, 2005, p. 13).

Forst objects to the reductionist views that describe Rawls' (2005) application of the principle of toleration to political philosophy itself (p. 10) as "reconstructing generally accepted conceptions of social cooperation and democratic citizenship" (Forst, 2017, p. 125). He suggests that this view fueled some criticisms. For example, Rorty (1991) accuses the revised view with historicism and anti-universalism, besides he reduces the revised view to a "sociological description" of current democratic societies (pp. 180-185). Dreben (1995), on the other hand, accuses Rawls with quitting philosophical endeavor to justify his theory and devising already existing democratic values implicit in democratic societies (p. 323) (as cited in Forst, 2017, p. 125). Forst's objection is that these accounts cannot explain noncomprehensive nature of the freestanding view of justice since they are unable to

explain how Rawls' doctrine which requires comprehensive doctrines to be "reasonable" is compatible with the fact of reasonable pluralism. Accordingly, this can be explained by "the foundational role that a particular conception of practical reason" plays in political liberalism (Forst, 2017, p. 125). This stance emphasizes that a freestanding conception of justice operates as an "umpire" between comprehensive doctrines and does not compromise "the meaning of reason or reasonableness" (Forst, 2017, p. 128, p. 125). Thus, it assigns a "normative priority" to "reasonable", i.e. is expressed "a priori" (Forst, 2017, p. 125). This freestanding conception, as well as the use of practical reason, make Rawls' structurally Kantian in a unique way despite apparent differences from a purely Kantian constructivism (Forst, 2017, p. 127).

Forst (2017) suggests two ways to inquire "freestanding" feature of the political conception of justice: (1) "meliorating perspective" and (2) "priority perspective" (p. 128). The former emphasizes the political conception's independence. The political conception of justice is not "presented as", "derived from", or "in conflict with" a comprehensive doctrine. In other words, it has no metaphysical truth claim. The latter explains "the normative force" of freestanding view by referring to the priority of reason's role in justifying an independent conception of justice. Only in this way, a conception is able to sort out comprehensive doctrines as reasonable or not. Therefore, it is not only a "modus vivendi" or "compromise" to work out existing plurality within a society but capable of ascribing itself an impartial authority. Forst finds this approach structurally Kantian as it follows Kant's view on "both the categorical imperative and the principle of right had to be grounded completely independently of any doctrine of value leading to the good life (or *Glückseligkeit*) in order to take priority over them."

(Forst, 2017, p. 128). This second perspective gives the autonomous character to Rawls' theory. As distinguished in the previous section, Forst (2017) agrees, that "doctrinal autonomy" is established through a Kantian connection between "freestanding" feature of political justice and autonomy (p. 128-129). On the contrary, "constitutive autonomy" deals with the production of an order of values from scratch and reaches out to "all of life". However, the doctrinal autonomy of political constructivism establishes a procedure to construct norms that are justifiable "by using the principles of practical reason in union with the appropriate conceptions of persons as free and equal and of society as a fair system of cooperation" (Rawls, 2005, p. 98). Forst (2017) emphasizes that by following the principles of practical reason, this procedure is not "constructed" but "assembled" reflexively (p. 129-130).

3.4 Institutional translation proviso revisited

As discussed in section 2.2.2 , exclusion of religious arguments from the public sphere is a nuanced position even for Rawls and Habermas. They do not defend a strict exclusion of religious discourses at the level of informal publics. Habermas' "institutional translation proviso" for the post-secular societies and Rawls' note on the permissibility of comprehensive doctrines as long as they can also find and offer "public" reasons when it comes to justifying laws and constitutional essentials in formal publics demonstrates this nuance. However, there are significant points to be mentioned while evaluating this position. First, the intelligibility is still required for public reasons. For Rawls and Habermas, it is clear that for religious discourses to be translatable to the public, they are required to be, still, intelligible (before the accessibility requirement). Rawls' "duty of civility" defines a duty to offer reasons to the others, which are not only understandable but also acceptable. Second, the

responsibility of translation is still given to the participants who offer reasons within their comprehensive doctrines even if the translation process is mediated through buffer institutions before the matter comes to the agenda of a formal public. Practicalities of the issue aside, In Habermas' case, one step of the burden of translation is also put onto secular citizens as a willingness to recognize the durable importance of religious doctrines in their fellow citizens' lives. However, in Rawls' case, a religious participant can be free to offer reasons from their comprehensive doctrines, yet they should also offer reasons that all participants of the deliberation process could endorse in reference with the political conception of justice. As Boettcher (2009) indicates, "wide view" of public reason added to *Political Liberalism* in its second "Introduction" "for reaching out specifically to religious believers" (p. 125). The constitutional essentials and laws, however, cannot be justified on the grounds of reasons offered from that religious doctrine even within the scope of "wide view". Note that the expression here is not "on the grounds of 'solely' religious reasons". Religious reasons are still considered as private reasons and they cannot be used for justification of constitutional essentials and norms "under no circumstances".

Thus, for an idealized conception of public reasons and its participants, it is questionable that what difference does it make to offer private reasons unless they can have an effect on actual binding and authoritative decisions as well as norms to constitute essential principles of justice for a society. Therefore, religious discourses are still excluded at the public level in its formal sense. The analysis of the asymmetry objection is also fruitful to show theoretical differences between these levels. More importantly, expounding on this nuanced position above has made the significance of a freestanding conception of justice more transparent. Formal publics

are still attributed a special status of being strictly public. Now, it is clearer that this conceptual core represents Kantianism of *Political Liberalism*. The ideational roots of constructing public reasons as a formal public in this way originate from the distinction between public and private uses of reason in Kant's text "What Is Enlightenment?":

> But the attitude of mind of a head of state who favours freedom in the arts and sciences extends even further, for he realises that there is no danger even to his legislation if he allows his subjects to make *public* use of their own reason and to put before the public their thoughts on better ways of drawing up laws, even if this entails forthright criticism of the current *legislation*. (…) But only a ruler who is himself enlightened and has no fear of phantoms, yet who likewise has at hand a well-disciplined and numerous army to guarantee public security, may say what no republic would dare to say: *Argue as much as you like and about whatever you like, but obey!* (emphasis in original) (Kant, 1991, p. 59)

Kant emphasizes in this part that the use of public reason should have practical effects on the world in which moral agents live. Public reason substantiates the self-regulatory power of autonomous agents. Rationality's expression is possible only through self-regulation, which means agents should live under the laws they authored. "Argue as much as you like and about whatever you like, but obey!" diminishes the public character of reason. Correspondingly, informal publics can be a part of the public sphere in general; however, they are not a domain of "public reason". The domain of public reason is political.

CHAPTER 4

ARGUMENT AGAINST EXCLUSION:

THE ASYMMETRY OBJECTION

The asymmetry objection, sometimes called as asymmetrical burden objection, claims that “public reason unfairly excludes some comprehensive doctrines from the public sphere and not others" (Yates, 2007, p. 62). Accordingly, political liberalism' conception of public reason puts different weights on citizens who vary in their conception of the good. This weight is "the burden of judgment" in Rawls' terms, to which citizens are held responsible while making justifications for their arguments in the public sphere. Rawls (2005) explains this objection by referring to the principle of neutrality: “the state must not favor any comprehensive doctrines and their associated conception of the good” (p. 190). The objection is that the state "fails to do this and is, in fact, arbitrarily biased in favor of one or another form of individualism” (Rawls, 2005, p. 190). The tension here is mainly caused by the state’s allegedly biased handling of a certain specific type of doctrine which is not substantially different from other doctrines. By doing this, the state arbitrarily forces some people to restraint from giving their reasons in the public sphere; therefore, loses its basis of legitimacy. In short, (1) “the asymmetry objection claims that political liberalism implicitly supports atheism” (Yates, 2007, p. 62), (2) gives unfair advantage to liberal comprehensive doctrines over nonliberal comprehensive doctrines (Greenawalt, 1994), and (3) overlooks the possibility of reasonable disagreement over constitutional essentials or justice.

4.1 Two formulations of the asymmetry objection

4.1.1 Solum and the example of religious schools

Solum (1994) explains the asymmetry objection as unfair "to believers" because the principle of public reason "would exclude only theist beliefs, but allow atheist beliefs as public reasons" (p. 221). Solum (1994) continues to discuss the objection through a comparison between arguments of believers and nonbelievers in the case of state assistance for religious schools: Should the government provide aid to religious schools? In this debate, believers could argue that the training given by religious schools would be beneficial to the students, and nonbelievers could argue that religious schools are doing nothing more than promoting dogmatism and falsely held beliefs. In such a case, both sides propose arguments which are based upon their religious comprehensive doctrines; however, the argument of believers is accepted as inadmissible whereas nonbelievers are free to articulate such an argument in a public forum. Solum (1994) calls this "an apparent double standard" (pp. 221-222). This apparent double standard points out to a puzzle, but the complication is inherent in Rawls' conception of religious/secular reasons and public/nonpublic reasons. He suggests that the distinction between those is open to misinterpretation and confusion (Solum, 1994, p. 226)[14].

I argue that this portrayal of the asymmetry objection is mistaken. Yates (2007) calls this "admittedly the least plausible formulation of the asymmetry objection" and suggests that Rawls would acknowledge that neither religious nor "atheistic" arguments should have a say in the decision on public aid to religious

[14] Yates (2007) notes that this position is grounded on Gary Leeds' views by Lawrence Solum.

schools (pp. 62-63). Because, Rawls' idea of public justification depends on "an independent source of political values (Yates, 2007, p. 63). This is derived from a freestanding political conception of justice in Rawls' (2005) terms. The error of this portrayal of the asymmetry objection, according to Yates (2007), stems from an error in one of the arguments' premises (p. 62). I will argue, however, that weakness of this characterization is due to two errors in arguments' premises.

Solum (1994) suggests that nonbelievers can argue for the rejection of the aid because religious teachings indoctrinate children with "false and dogmatic belief systems" (p. 222). If a religious person *X* believes a religion *R*, this means that *X* also believes all necessary conditions for *R* to be true are also true. Necessary conditions for *R* to be true could be other premises like (P1) There is God, (P2) A person *Y* is the messenger of the God, (P3) A text (or some form of an inspirational or literal words) is from the God, and (P4) A certain interpretation of those words are absolutely correct or more plausible than any other existing interpretations. To claim that religious teachings would provide children with "false" beliefs is to claim that either P1, P2, P3, P4, or all of them are false. Therefore, for a single example, in order to claim that, one should argue for "There is no God" (P'1). Thus, one makes a metaphysical truth claim on the controversial issue which is the existence of God. Since this argument has the same quality of being a religious comprehensive doctrine, it cannot be admissible in the public sphere according to Rawls. Curriculum of the state schools, thus education, belongs to "the basic structure". How basic structure must be shaped and regulated is an issue of political conception of justice and related idea of public justification. An argument from a religious comprehensive doctrine cannot be offered in public reason. Therefore, this "atheistic" argument is not admissible to the formal public sphere. Thus, Solum's example is incorrect.

Yates (2007) does not elaborate on this, yet it can be interpreted that her objection rests on the logic above. To go further, it can also be said that "dogmatism" is also contested. What is qualified as "dogmatic"? Is there a scale of dogmatism which can be applied to various belief systems or truth regimes? If yes, which parts of this scale can be allowed in school curricula and which parts must be excluded? This is a whole different debate and before proposing and responding to such an argument, parties should agree on the definitions and answers to these questions at the outset. Then, they can discuss if religious teachings in question can be allowed in schools (or sponsored by the state).

The second error comes from the assumption that the argument "religious training is good for children" is inadmissible in the public sphere. Believers can give such an argument for different reasons. If one argues for its goodness because *R* and all necessary conditions for believing *R* are true, then this argument is inadmissible. It does not make any difference to expound on this argument either in a consequentialist or deontological way ("It is good because this helps one to get into heaven" or "It is good because it is our duty to believe in God"). The argument makes a metaphysical truth claim. However, one can suggest that it is good because religious training provides children with certain virtues (patience, perseverance, sense of mission, acceptance, contentment, modesty etc.) which can contribute to their mental health and to help them to lead better lives or it is good because products of such education could be more adaptable and beneficial to the society because of the virtues taught (charity, forgiveness, tolerance etc.). In which case, the discussion must be divided in parts: What virtues education should aim to equip with children? Are those virtues compatible with the virtues that are claimed to be provided through religious training in question? Are there any other virtues (or any other content) that

can contradict with the overall aim of education which the state should support? Is this form of training the best (or reasonable acceptable) way of conveying such ideas/virtues to the children? As it can be seen, this is a whole another debate on the goals of education, pedagogy, and psychology and not related to any metaphysical truth claim. Therefore, Solum is also incorrect in terms of suggesting that an argument from the benefits of religious training is inadmissible to the public sphere.

For correct examples, we must illustrate the issue through statements that do not make any metaphysical truth claim (whether There is God or not). Pedagogical or practical arguments for education can stay agnostic (in the sense of not taking a side on the primary assumption); therefore, these types of arguments are accessible to and sharable by all[15]. To reject this proposition, one must prove that (1) statements that do not rest on the primary assumption (whether there is God or not) are atheistic by default, or (2) those statements are not accessible to or sharable by religious citizens. In order to substantiate the second claim, one strategy could be describing an account of epistemology of justification which suggests that religious citizens do not (and cannot) share the same material reality with non-religious citizens and people from the other religions or denominations. This is not claiming that all citizens must have a common worldview. The point here is to claim that this common way of looking at and drawing conclusions from their surroundings are accessible to everyone. If one prioritizes his or her comprehensive doctrine to insist on interpreting the world in his or her own way, he or she can rightfully do this. However, in the domain of politics, which Rawls ascribes a special status in the realm of morality, prioritizing your

[15] A response to the accessibility requirement comes from an advocate of the convergence model of public justification. Vallier (2011) suggests that accessibility requirement is either "so loose that it is trivial or so restrictive that it is implausible" (p. 368). The strategy is to replace the accessibility requirement with "intelligibility requirement" by trying to prove that religious discourses can be "intelligible".

comprehensive doctrine during justification of the principles of justice and their interpretation processes (law-making procedures) is a direct violation of the criterion of reciprocity. This is not saying that the other basic rights and liberties (freedom of expression and conscience) as well as the idea of public reason is not prioritized over the freedom of expression of religious citizens. They are prioritized, but for good reasons and only at the level of formal public sphere.

4.1.2 Greenawalt and liberal-nonliberal imbalance

Yates (2007) mentions another and more broadly recognized formulation of the objection by citing Greenawalt (1994). According to this formulation, there is inequality between citizens who hold "nonreligious, liberal comprehensive doctrines" and "religious or nonliberal comprehensive worldviews" because both parties "will not experience the constraints of public reason as an imposition in the same way" (Yates, 2007, p. 63). Greenawalt (1994) claims that "liberal nonreligious comprehensive perspectives" are destined to restraint themselves less than "both religious views and nonreligious, nonliberal views" (p. 688). As he gives the example of autonomy, Greenawalt (1994) argues that the distinction between a comprehensive doctrine and value of autonomy in the liberal public culture are blurred. If a party appeals to the value of autonomy and demands respect for it, which one is the source of autonomy's value (p. 688)? Yates (2007) notes that Greenawalt is not interested in comprehensive doctrines infiltrating into the public sphere but an advantage of liberal comprehensive doctrines, in the public sphere, which apt to recognize "liberal political values" (p. 64). In other words, the asymmetry, here, is not created by a double standard applied to religious comprehensive doctrines vis-à-vis "atheistic" views, but it is between liberal

comprehensive doctrines and nonliberal ones (regardless of whether they are religiously based). Implicitly, this claim suggests an overlap between political liberalism and liberal comprehensive doctrines by reducing political liberalism to any other liberal comprehensive doctrine. From this point of view, political liberalism gives an intrinsic advantage to liberal comprehensive doctrines.

To assess this claim, it must be broken into two parts (or questions): (1) Does it automatically create an asymmetry (therefore, inequality) that some comprehensive doctrines are obliged to put more effort forth in order to comply with the standards of public reason regardless of their quality of being reasonable? (2) Does an overlap between an aspect of political liberalism and a comprehensive doctrine mean that political liberalism is just another comprehensive doctrine?

For the first part, the answer must be "No, it does not". Some comprehensive doctrines could be more adaptable to political conception of justice – they may endorse it, be willing to recognize the priority of right over the good, and operate within the principles of public reason more easily than others. This does not mean that unreasonable comprehensive doctrines are treated unfairly or certain reasonable comprehensive doctrines are given more privilege. Because the political conception of justice and principles of public reason are not determined with reference to any specific comprehensive doctrine, the political conception of justice is freestanding. The principles of public reason and the deliberative obligations apply to all comprehensive doctrines and citizens from religious or nonreligious worldviews equally. Yates (2007) explains this point by giving the example of speed limit: "Some people may experience the speed limit as more of a burden than others, but the same speed limit applies to everyone equally" (p. 67). From this point of view, asymmetry objection could be valid only if principle of self-restraint does not

recognize “the equal status of citizens”; however, in this case, “all citizens are required to restrain themselves from offering nonpublic reasons in public deliberation (whether religious or nonreligious)” (Yates, 2007, p. 67). Therefore, demonstrating parallels between a particular comprehensive doctrine is not enough to claim that political liberalism “is” a comprehensive doctrine. In the section on Rawls, the distinction between “general” and “general and comprehensive” doctrines was drawn. An opponent should claim that those parallels originate from a shared metaphysical core between comprehensive liberalisms and political liberalism; therefore, political liberalism qualifies as a comprehensive doctrine. These claims are evaluated below and also in the chapter on Rawls’ Kantianism.

For the second question, the answer is simpler and more complicated at the same time. The political conception of justice is designed as endorsable by all reasonable comprehensive doctrines and in order to create an overlapping consensus, it demands these endorsements. Therefore, plenty of overlaps between political liberalism and any reasonable comprehensive doctrine can be and should be found. This does not mean that political liberalism is a metamorphosed version of that doctrine or it is reducible to that doctrine. Proximity between political liberalism and any given reasonable comprehensive doctrine does not prove any unfair advantage over other comprehensive doctrines. The more complicated issue here comes from questioning political liberalism’ moral values: Is the claim for neutrality coherent with political liberalism’ conceptualization of reasonable comprehensive doctrines? Can it be suggested that political liberalism bears some moral values that can be considered as or depends upon metaphysical truth claims? A matter of debate here is a distinction between political liberalism and comprehensive liberalism – Greenawalt argues that comprehensive liberalism’ moral values are inherent in political

liberalism; therefore, unfair advantage is given to comprehensive liberal doctrines over religious or nonreligious yet illiberal comprehensive doctrines.[16] Hence, moral values of political liberalism must be examined and explained in order to remove blurriness from the distinction between political and comprehensive liberalisms.

This inquiry is anticipated and answered in the "Introduction" of *Political Liberalism* (Rawls, 2005). As Yates (2007) mentions, Rawls (2005) examines three questions to demonstrate their difference: (1) How "ought" one to act? This question is present in "theological debates". The consideration here is not the answer to that question but the accessibility of that "knowledge". Rawls thinks that the answer to such a question is not at the hands of "a privileged few" in political liberalism but "accessible to everyone" (Yates, 2007, p. 64). (2) What is "the source of our moral duties"? An answer to this question demonstrates the source as "an account of human nature" as oppose to comprehensive doctrines which employ a source "external to human life" (Yates, 2007, p. 64). (3) Where does people's motivation to act in harmony with moral obligations come from, what is its source? Again, external-internal distinction applies here: the source of this motivation could be external (like "divine sanctions") or internal (human nature) (Yates, 2007, pp. 64-65). Yates suggests that, by referring to Rawls, scholars like Hume and Kant give answers to each question by preferring the second option over the other. However, political liberalism's response to these questions is making no choice among the alternatives: the political conception of justice does not address these questions and argue for "the *general* truth or falsity of their positions" (emphasis in original) (Yates, p. 65).

[16] Note that this is still related to objection that exclusion of religious discourses from public sphere puts an asymmetrical burden on religious citizens, because unfair advantage is given to liberal comprehensive doctrines which are nonreligious and religious comprehensive doctrines are the part of disadvantageous cluster together with nonreligious, illiberal comprehensive doctrines.

Political liberalism is claimed to be not holding a position regarding to answers to these questions; yet, it "does affirm the second alternative in each case with respect to a political conception of justice for a constitutional democratic regime" (Rawls, 2005, p. xxx). Therefore, (1) on the accessibility of knowledge regarding how one ought to act morally, political liberalism affirms that this knowledge is accessible to each person; (2) the moral obligations comes from an internal source[17]; (3) the source of motivation to act according to the moral requirements is also internal for Rawls (Yates, 2007, p. 65; Rawls, 2005, pp. xxviii-xxx). Consider that Rawls does not reject the first alternatives to three questions (knowledge about morality, source of moral duties, motivations to act morally). Therefore, public reason does not exclude religious and/or illiberal comprehensive doctrines on the basis of the falsity of these first alternatives. This is a nuanced position that only affirms the second alternatives. However, the point here is Rawls does not affirm the second alternatives through resorting to a metaphysical argument. This affirmation is related to Rawls' "discussion of the political conception of personhood" (Yates, 2007, p. 65). The starting point for this conceptualization of personhood is political – and if we are to understand society as a cooperating just order, it is necessary to conceive persons as having "two moral powers": (1) "the capacity for a conception of the good", (2) and "the capacity for a conception of justice" (Yates, 2007, p. 65; Rawls, 2005). These two moral powers are strong conceptual tools which are recurrently used in *Political Liberalism.* It is sufficient to

[17] Yates (2007) expounds on this internal source as "our rational, human nature" (p. 65). Human nature is a contested issue in different branches of philosophy, mainly in moral and political philosophy, and how concept of human nature is handled matters significantly. Even how one makes claims on human nature could easily cause his/her argument to be regarded as within a comprehensive doctrine. Internal source issue seems more complicated then to be wrapped up as "rational, human nature". This topic will be covered again in Kantian reading of Rawls. Briefly, we can say that Rawls does not formulate an account of human nature but constructs a political subject (the political conception of personhood).

state that (to relate this point to the asymmetry objection) this conception also guarantees equality among citizens' epistemic powers if we accept the claim that objecting to the political conception of personhood is unreasonable. As Rawls (2005) noted, citizens "having these powers to the requisite minimum degree to be fully cooperating members of society makes persons equal"[18] (p. 19).

On the question of whether an unfair advantage is given to liberal comprehensive doctrines over religious or nonreligious but illiberal comprehensive doctrines, it must be taken into consideration that the same burdens are also felt by liberal comprehensive doctrines. As Yates (2007) noted, due to "agnostic" position of political liberalism on "the general validity of an ideal of autonomy"[19], scholars from liberal comprehensive doctrines have also expressed the same objection with a similar form (pp. 67-68).

Both formulations of the objection have been unable to refute political liberalism' argument for exclusion of religious discourses from the public sphere. This was partly because the formulations are weakly constructed and mainly because they miss a point the next chapter covers: The asymmetry objection must claim that disagreements over the conception of justice can be reasonable. Otherwise, all the objections above are contingent because extra burdens created and put upon are only the products of the resistance that emanates from such doctrines. It is a resistance to recognize the very notion of reasonableness and possibility of a freestanding conception of justice. If the objections want to follow this path, they should either

[18] A more detailed discussion on this topic, refer to the section titled "The Basis of Equality" in *A Theory of Justice* (Rawls, 1999a, pp. 441-449).
[19] Remember the nuanced conceptualization of autonomy in Rawls from Chapter 2, which has similarities with as well as excursions from the Kantian notion of autonomy.

provide an alternative account of reasonableness (an argument within the structure of political liberalism) or prove a moral relativist position is true.

4.2 Quong's refutations of four responses to the asymmetry objection and solution of the objection

Thus far, two formulations of asymmetry objection in the literature have been assessed. The first one pointed out, through the example of public aid to religious schools, an imbalance between types of reasons (atheistic and religious) when the principles of public reason applied. We have concluded that the reasons under consideration should be carefully analyzed before being called atheistic or religious. All arguments from religious and nonreligious persons do not have to be based upon religious comprehensive doctrines. On the proposition regarding the existence of God, both conflicting views do not have to derive their arguments from their comprehensive doctrines and they can still carry out a productive discussion and bargaining process in the public sphere without compromising their position on this proposition at the same time. The second one has demonstrated an asymmetry between liberal and illiberal comprehensive doctrines (which include religious ones)[20]. In both cases, the emphasis was on equality and balance between all sides of the debate with respect to accessibility of arguments and epistemic burdens distributed.

[20] Actually, agnostic position of political liberalism in terms of liberal moral values and their absolute validity forestalls criticisms from both sides (liberal and illiberal comprehensive doctrines. For an example of criticism from a comprehensive liberal doctrine (which is claimed to be given unfair advantage), see Estlund (1998): "Political liberalism must assert the truth and not merely the reasonableness—or acceptability to all reasonable people—of its foundational principle that doctrines are admissible as premises in political justification only if they are acceptable to all reasonable citizens" (p. 253).

After these two formulations, the analysis will move on with a different but more comprehensive and systematic analysis of the asymmetry objection. Quong (2011) analyzes four formulations of responses to asymmetry objection and points to their deficiencies. Then, he moves on with a defense of asymmetry. By "defense", he does not mean that this objection is valid but defendable, but it is "flawed"; therefore, the alleged asymmetry is justifiable (Quong, 2011, p. 204).

4.2.1 Comprehensive formulation of the asymmetry objection

Political liberalism distinguishes two kinds of disagreements: disagreements about "the good life" and disagreements about "the principles of justice". The former is reasonable whereas the latter is considered unreasonable. The state can legitimately act upon unreasonable disagreements (about justice) regardless of the views of people who do not recognize those reasons for action, whereas it is considered illegitimate for the state to use its coercive power when it comes to reasonable disagreements (about the good). However, not only in the debates of policy, domestic politics and so on but also in the domain of "normative political philosophy", there are countless disagreements over justice. Hence, political liberalism seems to handle disagreements about justice and the good asymmetrically (Quong, 2011, p. 192). Quong (2011) summarizes asymmetry objection as follows: "If reasonable people disagree just as much about justice as they do about the good life, then why are perfectionist reasons, but not reasons of justice, deemed illegitimate grounds for state action?" (pp. 192-193).

Quong (2011), before presenting different formulations of asymmetry objection, starts with an analysis of Rawls' concept of "the burdens of judgment" (p. 193-194). This concept is examined in section 2.1.4. For a better understanding of

his representation of the asymmetry objection, these conclusions derived from the analysis of the burdens of judgment must be emphasized: (1) The burdens of judgment are intrinsically related to the fact of reasonable pluralism; thus, a need for accommodating the fact of reasonable pluralism emerges for political liberalism. (2) Reasonableness requires to recognize the burdens of judgment (and herewith the fact of reasonable pluralism; hence, willingness to cooperate with other reasonable citizens under fair terms results in an acceptance of enduring disagreement among reasonable people regarding "moral, religious, and philosophical issues". (3) This must be followed by a commitment to a conception of justice, which must be "neural" about these issues. (4) This conception of reasonableness has "both moral and epistemological elements". The moral component is related to the political conception of personhood (assumptions that persons are free and equal as well as committed to establishing a political body under fair terms of cooperation and for "mutual benefit"). The epistemological element imagines citizens as reasonably accepting a particular view concerning the burdens of judgment as well as reasonable disagreement. (5) The legitimacy of execution of political/coercive power is derived from this line of argument under the Rawlsian concept of "constitutional essentials" (Quong, 2011, p. 195).

Political liberalism's assumption is alleged that rationality and freedom necessarily produce durable disagreements about the good, but not about the justice (Sandel, 1998, p. 203). Then, Quong indicates that:

> The asymmetry objection to political liberalism is then fairly straightforward. It challenges the assumption that the burdens of judgment apply to conceptions of good but that they *do not apply*, or do not apply *with the same force*, to principles of justice or conceptions of justice. (emphasis added) (Quong, 2011, p. 196)

Therefore, Quong (2011) tries to prove that the burdens of judgment are (a) applicable to the deep questions of justice and (b) can be applied with the same force. The description continues with the application of the burdens of judgment to the matters of justice through an example of abortion:

(1) Empirical and scientific evidence can be conflicting and complex in the case of abortion, for example the exact time "the foetus becomes a sentient being" is unknown and science itself may never answer this question is a matter of disagreement (Quong, 2011, p. 196)

(2) Disagreement on the evidence's weight can lead us to conclude with different judgments even in the case of agreement about the sorts of relevant considerations – Quong (2011) states that pro-life and pro-choice advocates may reasonably disagree on "the relative weight of those considerations even if when they agree about "the relevant considerations", e.g. "right to life versus the freedom to control one's own body" (p. 196)

(3) All concepts can be "vague and be subject to hard cases" and this causes indeterminacy which requires us to depend on "judgment and interpretation" disagreement on the evidence's weight can lead us to conclude with different judgments (Rawls, 2005, p. 57) – concepts such as "personal privacy" and "the right to life" can be challenged reasonably in the case of abortion (Quong, 2011, p. 196)

(4) Differing total life experiences have an indefinite effect on the ways we evaluate evidence as well as "weight of moral and political values" (Rawls, 2005, p. 57) – It is not a secret that Catholic's pro-life advocacy. Quong (2011) states that total life experience of a Catholic citizens can lead his or

her to put a greater weight on "the sanctity of human life" than a non-Catholic citizen (p. 196)

(5) Normative considerations differ with varying forces that prevents rational people to come to the terms on an overall assessment – Abortion of a perfect case for this point. Reasonable citizens can disagree on abortion's permissibility during "the second trimester when the pregnancy was deliberately undertaken"; different normative considerations uphold opposite positions (Quong, 2011, pp. 196-197).

(6) "Any system of social institutions is limited in values it can admit"; it causes "great difficulties in setting priorities and making adjustments" (Rawls, 2005, p. 57) – All values may not be coherently incorporated and the overall picture could seem like "a zero-sum choice". The choice is between women's "right to choose" and "foetus' right to life" (Quong, 2011, p. 197).

(a) Quong (2011) applies all "burdens" of judgment to abortion and comes up with a conclusion that it is applicable to not only "questions of morality, religion, and philosophy" but also "constitutional essentials and the matters of basic justice" (p. 197). At this level of abstraction, it is impossible to make a point where the burdens of judgment are applied to the good and the justice "equally" in my opinion; therefore, (b) he tries to show that a case in which "the burdens of judgment are *less* likely to apply to questions of the good life than to questions of justice" (emphasis in original) (Quong, 2011, p. 197). For Quong, the question regarding the life of an alcoholic is a question of the good and a consensus can easily be created on the idea that quitting this addiction would make someone's life better. This demonstrates, according to Chan that a full-fledged agreement about a comprehensive doctrine is not necessary to achieve "more modest agreements on particular issues that reflect

perfectionist values" (Chan, 2000, p. 10-20; Quong, 2011, p. 197). Quong (2011) calls this a kind of "moderate perfectionism" which "can and should inform" political discussions if they express a certain outcome for particular instances like alcoholism (p. 197). This case is important for showing that there are even cases that "the burdens of judgment are *less* likely to apply to perfectionist claims and *more* likely to apply to claims about justice" (emphases in original) (Quong, 2011, p. 197). As a result, when the burdens of judgment apply to the matters of justice too, there is no need to restraint reasons grounded on perfectionist values. Therefore, political liberalism should accept that either perfectionist reasons are admissible and actions grounded on them can be considered as legitimate or the principles of justice "do not pass the liberal test of legitimacy" since the distinction between the good and the right is diminished (Quong, 2011, p. 198).

The lesson learned from this analysis is that the asymmetry objection does not try to challenge the fundamental premises of political liberalism, according to Quong, but wishes to show that it is "not even internally coherent" (the principle of neutrality cannot be derived from political liberalism consistently) (Quong, 2011, p. 198). However, I argue that even when this internal coherence problem is resolved (in the related section 4.3, Quong's solution will be summarized), the asymmetry objection could still press political liberalism by claiming that there are still certain type of disagreement about the justice which are considered as unreasonable; and this type of disagreements still points towards an asymmetric treatment between the good and the justice.

4.2.2 Four types of responses to objection and their refutations

Quong (2011), in consistent with his strategy, "defuses" and "finesses" four responses to the asymmetry objection. Note that, he does not do this to declare the victory of the asymmetry objection. The point here is to reveal the asymmetry objection at its best and where all the four responses are inadequate, he develops a more systematic analysis to confront the objection. Accordingly, the four responses to the asymmetry objection are as follows:

(1) Accepting that reasonable disagreement about the justice is normal or "natural"

(2) Rejecting the claim that citizens actually disagree over the justice as much as the good ("the empirical response")

(3) Refusing the epistemological element in the conception of reasonableness

(4) Limiting the scope of state action with a very few liberal principles due to their status of being justified beyond reasonable disagreement (response from "political libertarianism")

4.2.2.1 First response: Reasonable disagreement about the justice is natural

The first one comes from Rawls himself as Quong (2011) cites (p. 198). Rawls accepts that reasonable disagreements over the political conception of justice is possible and probable. Political society will debate over this issue in order to accomplish a reflective equilibrium. For the reflective equilibrium to be comprehensive enough, citizens must discuss "justice as fairness" as well as "a family of liberal conceptions" (Rawls, 2005, p. 450). This family of conceptions is "reasonable political conceptions of justice" as well (Rawls, 2005, pp. xlviii-xlix). Therefore, Quong (2011), concludes this response refuses the asymmetry objection's

central assumption and makes room for reasonable disagreement over the justice (2011, pp. 198-199).

Quong's evaluation of this response deduces that the reply does not clear out asymmetry objection, it only helps to emphasize it more. Nevertheless, it nullifies some critics of political liberalism when they claim the theory does not consider "a fact of *reasonable* pluralism" (emphasis in original) (Sandel, 1998, p. 205). On the other hand, Quong (2011) believes that this reply is not a justification of the asymmetry objection or a claim that it does not exist at all. To make further analysis on this point, it can be suggested that the reason why it does not suffice to absolve the objection is the same unequal treatment of comprehensive doctrines over the matters of justice. Rawls' permitted political conceptions of justice involve only "a family of liberal conceptions" that are included according to their content. Three features are asserted to classify as reasonable for a liberal political conception of justice according to what Rawls (2005) calls "the criterion of reciprocity" (p. 405). These features are: (1) "a list of certain basic rights, liberties, and opportunities", (2) "an assignment of special priority to those rights, liberties, and opportunities", and (3) "measures ensuring for all citizens' adequate all-purpose means to make effective use of their freedoms" (Rawls, 2005, p. 450). Therefore, a special priority to those features are still assumed and the doctrines that fall outside of this family of conceptions are not expected to create a reasonable disagreement over the justice. Therefore, these features, the criterion of reciprocity and the political conception of the personhood (the view that assumes this reciprocal relationship between free, equal, and rational citizens) must be justified in order to rebut the asymmetry objection. This is why, in my opinion, Quong views this reply inadequate and only highlighting the objection further. Therefore, in section 4.3, when Quong tries to

meet the objection by distinguishing foundational and justificatory disagreements, the freestanding view of justice and the concept of reasonableness still need to be justified. We are not able to do this with foundational/justificatory disagreement and this need is revealed by the Kantian reading of Rawls as explained in chapter 3.

4.2.2.2 Second response: The empirical response

The second response, "the empirical response", denies the actuality of disagreement over the justice (at least, of the scope of disagreement) (Quong, 2011, p. 199). Disagreement about different political matters (policy choices, crimes and punishment, abortion, etc.) is vast, yet citizens of democratic constitutional regimes have a widespread consensus on main liberal values such as basic rights and liberties, the rule of law, and recognition of just procedures of democracy. The evidence for this can be abundant – Quong (2011) prefers to refer to Klosko's (2004) study titled "Democratic Procedures and Liberal Consensus" which presents the findings of a research on citizens' attitudes regarding main liberal values listed above. The merit of this reply is to show what the asymmetry objection overlooks: a widespread agreement on constitutional essentials. On the other hand, the degree of agreement about the conceptions of the good is not close to the degree of agreement about constitutional essentials (Quong, 2011, p. 199).

This reply assumes that it justifies the asymmetry objection, i.e. unbalanced treatment of disagreement over the justice and the good. It must be clear that abstract validity of this response is independent of its empirical validity: This claim could or could not be empirically correct and this is a different topic of discussion. It cannot be considered as a justification for the asymmetry due to two reasons: First, a widespread consensus on a specific policy topic or political issue can be achievable,

which counts as an agreement on the good life. As Quong (2011) indicates, citizens do not have to have a common comprehensive doctrine or an agreement on a wider conception of the good beyond the specific case that is agreed on in order to come up with a consensus on the instance. Therefore, this reply does not suffice to meet the objection offered by "moderate versions of perfectionism"; consequently, it is incapable of ruling out these versions (Quong, 2011, p. 199). Second, the matter of which disagreements count reasonable and which ones do not must be settled through a discussion regarding an "independent standard of justification"; otherwise, political liberalism could be accused of "contingency" and standards of justification could be ignored in any case when an "empirical agreement" is observed (Quong, 2011, p. 200). This refutation of the second reply, in my opinion, teaches us to be careful about the relation between normativity and empiricism. Political liberalism is aware of the facts of modern political life as well as the human condition and keeps a subtle relationship with the realities and inevitabilities of the real world; yet, the level of abstraction and the sources of normativity in political liberalism do not depend on what societies, the states, and citizens actually do. Therefore, using/mixing empirical findings with normative propositions at this level is mistaken. Empirical findings on what citizens actually agree on cannot justify where a political conception of justice should seek an overlapping consensus and exclude which types of disagreements deemed unreasonable.

4.2.2.3 Third response: Refusing the epistemological element in the conception of reasonableness

The third one comes from Lecce (2003) and tries to overcome the objection by refusing the epistemological element in the conception of reasonableness. According

to this response, the asymmetry objection originates from the epistemological element; hence, by leaving this component behind, the objection could be defeated (Quong, 2011, p. 200). The whole defense line of political liberalism, then, can be the moral component. The moral component can be defended on the basis of "political values" that any "social contract device" may produce (Quong, 2011, p. 200-201). What makes a disagreement reasonable is its evaluation on the basis of a particular configuration of the social contract. It disqualifies the point which suggests actual citizens potentially could disagree on the good as well as the justice. Therefore, reasonableness (the assumption that leads to the liberal conception of neutrality) is left only with the moral component. Consequently, both resorting to a comprehensive doctrine which creates a disagreement over the good and contradicting with the moral content of justice become unreasonable (Quong, 2011, p. 201).

This response fails because "it assumes the conclusion that needs to be shown" (Quong, 2011, p. 201). If we left out with only the moral component, then it becomes impossible to demonstrate why resorting to "perfectionist reasons" is wrong (Quong, 2011, p. 2011). Binding it with the previous analysis regarding reasonableness, we can enhance it by emphasizing that if citizens do not agree on a certain thesis about the burdens of judgment, then they cannot differentiate between the matters of good and justice; consequently, the public sphere is left open to perfectionist reasons. Then, there can be no way to restraint "claims about the good life when deliberating about justice" (Quong, 2011, p. 201). However, as Quong (2011) states, constructing an independent way of evaluating perfectionist reasons is necessary. Nevertheless, this response, by removing the empirical component, cannot fill the emptiness that it leaves. Now, we are only left with a conception of

reasonableness which makes impossible to sort out the disagreements on the good and the justice. This response cannot trump the asymmetry objection, but it is a way of overcoming it through removing one of the sources of the problem. However, it cannot solve the problem that appears after.

4.2.2.4 Fourth response: Political Libertarianism

The fourth response, again, does not try to refute the asymmetry objection to political liberalism but claims to overcome it through a different conceptualization of the matters of the good and justice. The starting point is to accept that the majority of disagreements over the justice are also reasonable and bear the same weight as the disagreements over the good (Quong, 2011, pp. 201-202). In a way, it can be claimed that this response finds Rawlsian description of the matters of justice as "thick". By offering a thinner version of liberal justice, this response declares "most state actions undertaken in the name of liberal egalitarian justice are illegitimate" (Quong, 2011, p. 202). A smaller list of principles containing basic rights and liberties must be fixed to be considered as "beyond reasonable dispute" (Quong, 2011, p. 202). Legitimate state action can only depend on this thin layer of basic rights and liberties, hence suggesting a minimal state. Therefore, it is called "political libertarianism" by Quong (2011, p. 202). It can be inferred that this position does not contradict with general logic of Rawls which leads us to the liberal conception of neutrality and legitimacy, yet it changes the ground which they depend on. This argument is advanced by Gaus (2003) as sketched here and softened in later writings (Gaus, 2010) as Quong (2011) cites (p. 202). Gaus' (1996) view of "public justification" coins the terms "conclusively" and "victoriously" justified arguments and in order to be called "victorious" justification, an argument cannot only be "undefeated" but also is

subjected to "the publicity condition" and "a high standard of proof" (p. 151). Victorious, here, means that "no counter arguments defeat it" (Gaus, 1996, p. 148). "The publicity condition" requires "challengers" should have been given a chance to "try to defeat it"[21] (Gaus, 1996, p. 149). The term "victoriously justified" is used to mark a justification which is "beyond reasonable dispute". That is, "each relevant member of the justificatory constituency has decisive reasons to prefer the principle to all available alternatives" (Quong, 2011, p. 202).

Quong's (2011) refutation to this response follows this line of reasoning: With reference to Gaus' view of public justification, some principles that are victoriously (conclusively) justified could be inconclusively interpreted differently (therefore, open to reasonable disagreement). However, if libertarian position wants to clear out these interpretations just because they are "inconclusively justified interpretations of a conclusively justified principle", then it is virtually impossible to justify and call legitimate even the actions of a minimal state. All basic principles of liberalism are subject to this filter and this makes impossible to justify any policy or coercive use of state power since all interpretations of conclusively justified principles are inevitably inconclusive. Quong (2011) illustrates it with the example of free speech. Free speech is a conclusively justified principle. However, any specific interpretation of this principle is not conclusively justified. Consider the cases of provocative speeches that could lead to violence or the cases of defamation or slander: Are those acts under the protection of free speech principle (p. 203)? At this point, a political libertarian is at a crossroad: He or she does not deem welfare state as legitimate because this type of state grounds its redistributive policies on

[21] For a complete analysis of these conditions and more, see Gaus, 1996, p. 144-152.

"inconclusively justified interpretations of victoriously justified principles"; however, the same objection can go for a minimal state too. Then, a political libertarian can take a turn and defend that inconclusive interpretations of victoriously justified principles must be permitted and consider state actions grounding on them are legitimate. However, in which case, he or she must also allow "strongly egalitarian or redistributive state actions" (Quong, 2011, p. 203). Thus, this conceptualization can only work at a quite higher level of abstraction and fails to limit reasonableness to only libertarian state actions.

4.2.3 Quong's solution to the asymmetry objection: Justificatory/Foundational distinction

Quong's (2011) review of the four responses to the asymmetry objection leads him to believe that they are insufficient. Thus far, we have tried to expand the discussion and to demonstrate the ways in which Quong's refutations corresponded to these responses. Next, our objective is to represent the solution that Quong develops and to provide an account of how this solution countervails the asymmetry objection. It can be claimed that Rawls' (2005) analysis in *Political Liberalism* is adequate despite the evaluation in 4.2.2.1 and a response can be derived to overcome the asymmetry objection. Rawls edited his book *Political Liberalism* till his death with contributions that lead him to make corrections. It is possible to develop the theory further and Quong (2011) expounds to the theory by engaging it with perfectionism. Still, it is not the task of this thesis to judge the nominal value of Quong's overall study. The innovative side of Quong's analysis is his contribution to the conceptual toolkit of political liberalism. From this viewpoint, his concepts will be explained in order to make them operate under the framework of this thesis.

Quong (2011) coins the terms for two types of disagreements: "Foundational" and "justificatory". Definitions for these two types are as follows:

> *Foundational disagreements* are characterized by the fact that the participants do not share any premises which can serve as a mutually acceptable standard of justification. The second type of disagreement, *justificatory disagreement*, occurs when participants do share premises that serve as a mutually acceptable standard of justification, but they nevertheless disagree about certain substantive conclusions. (emphasis in original) (Quong, 2011, p. 204)

The contrast between these two types can be conceived after understanding what Quong means by "mutually acceptable standard of justification". This standard is established when parties have a common basis for their interpretations and arguments. This foundation is mostly about judging the status of "morality" of an act rather than "the value" of that act (Quong, 2011, p. 204).

If both parties appeal to the same principles or sources for judging an act's moral status, then a foundational agreement is established. Let us say, we have two persons *X* and *Y*. *X* believes (and has reasons to believe) that an act is morally wrong whereas *Y* believes (and has reasons to believe) that this act is morally acceptable (if not good). How can *X* and *Y* come to a conclusion that an act is morally wrong or acceptable? They have to judge this act on the basis of some sort of evaluative standard. What makes an act morally wrong or acceptable? They both have a general perspective on the answer to this question (if they do not judge an act randomly and do have a coherent framework for evaluating an act morally). They differ at the outset – the source for the set of reasons for believing that an act is morally wrong or acceptable. They must ground their justifications for the conclusions (this act is morally wrong or acceptable) a set of assumptions from which they derive their set of reasons that lead them to a conclusion. For example, *X* believes that slaughtering a

farm animal within a specific period of time in a year is good, because the God commands him to do this to serve the God; and *Y* believes, from a utilitarian perspective, that all sentient beings have an interest in not suffering (therefore, living), so this interest should be respected. As a result, *X* believes that killing of an animal is good in that period and *Y* believes that killing of an animal is wrong at all times. Their disagreement is about a set of assumptions that provides them with a standard for judging that action and not the justifications or interpretations following the same foundational view about morality.

Justificatory disagreement happens when both parties reconcile "at the level of ultimate convictions or principles", yet they cannot come to terms about an interpretation of those principles regarding a specific instance (Quong, 2011, p. 205). They both have the same answer to the question "What makes an act morally wrong or acceptable?". For both of them, foundational principles they filter out moral goodness or wrongness of actions are the same, basically. However, the evaluative standard for judging the set of reasons that follow the same ultimate moral principles are controversial. Therefore, they disagree on the conclusion and find themselves at the different sides of that matter of discussion. For instance, *Z* and *Y* both believe that political conception of justice is true; hence, they both recognize the political conception of personhood, the burden of judgments and inevitable result of the fact of reasonable disagreement. However, their position on the universal basic income differs. *Z* believes that it is a policy that violates the right to private property and exceeds it to a point that could be considered as theft for the sake of undeserved/unearned wealth gain of some, even if they are considered as part of a disadvantageous social group. On the other hand, *Y* believes that creating an equality of opportunity would be impossible if extreme wealth gap is not abolished for good

or everyone is guaranteed to live under conditions of dignity which he or she can utilize their basic rights and liberties for all-purpose means to actualize their own life projects. Both interpretations are based upon basic rights and liberties (private property and equal opportunity) that can be derived from the political conception of justice (or justice as fairness). Yet, they differ in their interpretations and standards of justifications over the same normative principles.

By this conceptual framework, Quong (2011) arrives at several conclusions and develops his argument to meet the asymmetry objection. In which ways Quong meets the objection will be presented later, but first, we need to take steps for developing his argument. The steps for the argument are as follows: Disagreements over the good life are, as already stated in Rawls' theory, reasonable. Reasonable disagreements over the good are foundational disagreements. On the other hand, disagreements over the justice can also be reasonable if they are justificatory disagreements. Furthermore, in both cases, they are "necessarily" foundational and justificatory. That is, reasonable disagreements over the good are "necessarily foundational" and reasonable disagreements over the justice are "necessarily justificatory". In other words, when two parties agree on a standard of justification at an ultimate definitive level which bears certain assumptions about what makes an act moral or not but derive different conclusions about a specific instance at an interpretational level, then their disagreement will be "necessarily justificatory". When two parties disagree at the outset, the discussion cannot go further at an interpretational level, which means they disagree on what makes an act moral or not. In this case, their disagreement is "necessarily foundational" (Quong, 2011, pp. 204-208). Quong (2011) suggests that Rawls does not require disagreements over the good to share "a mutually agreed framework of justification"; therefore, durable

controversies and deep "moral, religious, or other philosophical" debates over the good "are by their very nature going to be foundational disagreements" (p. 206). These debates naturally cannot be conducted under a fixed evaluative standard because in these controversies, "the standard of evaluation itself is under dispute" already (Quong, 2011, p. 206). In contrast, "reasonable disagreements about justice" do not contain this dispute, the evaluative standard is fixed. Reasonable persons should offer public arguments, that are "reasonable instance[s] of a public justification" (Quong, 2011, p. 207). For an argument to be considered as "a reasonable instance of a public justification", it needs to meet these two criteria: (1) This argument should refer to freestanding conception of political justice and not appeal to, only, a comprehensive doctrine's assumptions about good life (a metaphysical claim about the source of the good or an ultimate definitive set of assumptions to guide the question "what makes an act moral or not?"). (2) This argument must try to set a balance between all political values that can be derived from the political conception of justice; that is, the argument cannot overlook the other public values that it puts at risk by picking and emphasizing a specific public value that it derives from the same political conception of justice (Quong, 2011, p. 207). This distinction presents the standard of justification for justificatory disagreements, which is missing in the foundational disagreements.

To recap, Quong's refutation of the asymmetry objection is valid within the internal logic of the objection and proves that Rawls' *Political Liberalism* is coherent. The burdens of judgment cannot be exercised over the disagreements on the justice as on the good life. Reasonable disagreements about justice are possible (if not only inevitable), but they are justificatory disagreements. Therefore, they still share a common foundational element. Sharing this foundational element makes

them still reasonable. Foundational disagreements cause participants to not sharing any framework of justification to advance on a debate in effect; therefore, remove any basis for social cooperation under mutually beneficial and fair terms. As a result, we are left by the validity of the claim that reasonable citizens can come to the terms on a political conception of justice; therefore, this legitimizes a coercive or regulatory state action on behalf of the principles of justice. A specific instance that citizens may not agree on, yet they agreed already on the foundational reasons behind to justify that specific policy proposal. Consequently, the state action on behalf of the principles of justice is legitimate even though there is a reasonable disagreement over the justice since they are only justificatory. All in all, this framework of Quong is portrayed in Figure 1:

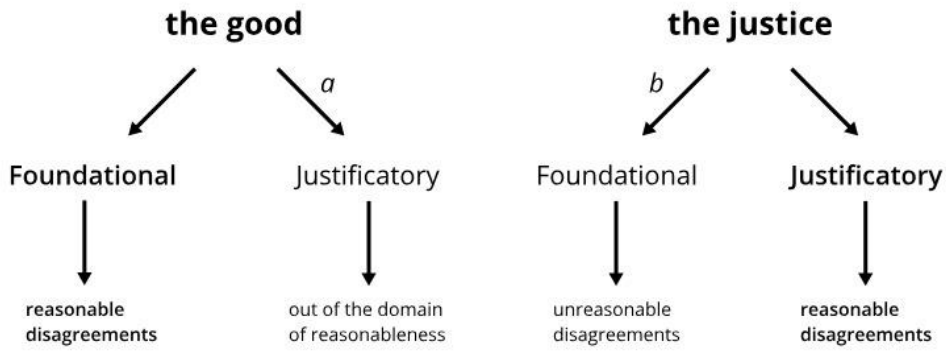

Fig. 1. Analytical map of disagreements over the good and justice when Quong's foundational/justificatory distinction is applied

Figure 1 illustrates the conceptual distinction between foundational and justificatory disagreements as well as disagreements over the good and justice. Quong's analysis only explains two types of disagreements bolded above: (1) Reasonable disagreements over the good are foundational, and (2) reasonable disagreements over the justice are justificatory. The intention of Quong to solve the puzzle put by the asymmetry objection that advances on the actual possibility of reasonable

disagreements over the justice and consequent asymmetric treatment of two types of disagreements. Even though he evaluates Rawls' response to the asymmetry objection and finds it inadequate as explained in the section 4.2.2.1 , he actually builds his analysis on that response by filling a conceptual gap that enables the asymmetry objection to flourish. However, as can be seen above, there are other two types of disagreements can be drawn from his conceptual framework. To be fair, he works out those inferences but as responses to possible refutations of his analysis from perfectionist liberalism (Quong, 2011, p. 212-218). Analytically, there can be (a) justificatory disagreements about the good and (b) foundational (therefore, unreasonable) disagreements about the justice.

4.3 Interpretation of Quong's concepts

In order to assess those two other types of disagreements, we must expand on the innovative side of Quong's analysis. For now, it should have been clear that Quong's analysis goes beyond a mere critique of the technical aspects of Rawls' theory of political liberalism. It offers a conceptual tool to assess many types of disagreements which have normative dimensions. According to this formulation, normative statements (statements about what ought to be done) have two levels. The first level sets the source of normativity. In this case, this is divided into two parts: right and wrong or just and unjust. This level mostly is not subjected to any standard of evaluation but it is constituted generally through a single or a set of primary assumptions. The second level is the level of justification which is subjected to evaluative standards and resembles more like an argumentation theory (however, in this case, which arguments are sound are not defined by the rules of logic or critical

thinking itself but their soundness is also depended on the unique set of primary assumptions and evaluative character of the normative view at hand).

4.3.1 Source of normativity and justification

The first level, the source of normativity, sets the ideals about what ought to be done. It must always originate from a particular assumption. This assumption can be on the existence of God, the rationality of human nature and so on. Then, it bears a relevant set of consequent deductions that later will be used to ground the standard of justification at the second level. The second level is justificatory. At the justificatory level, the source of normativity is not questioned but accepted. The justifications are built on the recognition of the truth value of the primary assumption (e.g. There is God) and consequent set of deductions which are derived from that assumption (e.g. Human beings must serve to the God). At this level, there can be a pluralism on the standard of evaluation for the conclusions that can be derived from the source of normativity. The standard of evaluation sets the internal logic for the statements that are derived from that specific source of normativity. This standard of evaluation can be open to discussion in itself. The truth value of those conclusive statements regarding ultimately what should be done is assessed via (1) correctness of that specific evaluative standard, and (2) coherence of justifications which appeal to that source of normativity. This portrayal can be considered valid for all normative statements.

From this point of view, foundational and justificatory disagreements are both possible for the ideals of the good and the principles of justice. However, this possibility does not mean that each and every foundational and justificatory disagreement can be called “reasonable”. Reasonableness has a quite specific

meaning in Rawlsian terms. This distinction is drawn when Rawls divides the sources of normativity into two parts: the good and the right. Below, two other types of disagreements are evaluated:

(a) Justificatory disagreements about the good occur when participants agree at the ultimate conviction level (foundational agreement is given) which contains metaphysical assumptions about the good life, but do not share the same justifications for a particular instance which leads them to differ about what should be done specifically. For example, *X* and *Y* both believe that "There is God". However, *X* also believes that the God forbids a particular act while *Y* believes that the God allows that act. *X* and *Y* both have (differing) reasons to believe that his/her position(s) on this act is true. Their difference can be caused by varying interpretation of a religious text or more methodologically, by the ways of interpreting the religious texts in general. They still agree on the foundational level but differ at a justificatory level. Hence, their disagreement is justificatory even though it is about the good life. Note that they use "private" reasons to debate with each other. For their reasons to be public, their disagreement must be reasonable; that is, they must agree on the principles of justice. This type of disagreement is widespread in religions and between religious groups, denominations, sects or private individuals who interpret their religion differently from each other. The point here is that, as Quong (2011) indicates, this type of disagreement "is only justificatory for a certain subset of reasonable persons" because they "share their particular view of morality" with each other (p. 216). The task of finding at least one other realm of disagreement "from the perspective of all reasonable persons, and not simply a subset of reasonable persons" is not viable (Quong, 2011, p. 216). As a consequence, their justificatory disagreement about the good life is out of the domain

of reasonableness. Therefore, it cannot urge the state to use its coercive and regulatory power effectively and legitimately because it would be a violation of the fact of reasonable pluralism as well as neutrality.

(b) Unreasonable disagreements about the justice happen when disagreement occurs at the foundational level of justice. In Rawls' theory, foundational disagreements about the political conception of justice are always unreasonable. Foundations of the justice differs from foundations of the good. The latter is constituted by metaphysical truth claims and operate within a comprehensive-general scope. On the other hand, foundation of justice is established through "practical reason in union with the appropriate political conceptions of society and person" (Rawls, 2005, p. 99). If one of the participants reject the political conception of personhood and the idea that burdens of judgment do not apply to the political conception of justice, the participant also rejects the political conception of justice and the idea of overlapping consensus. It is to claim that there is no common foundation that each and every participant of a political debate can admit reasons to the public sphere which each and everybody plausibly agrees on. Therefore, we have been left in an ambiguity that there is no point in arguing further. Quong (2011) meets the objection by taking the perfectionist claims on; nevertheless, on the opposite side, there can be morally relativist accounts that can possibly claim that disagreements about the justice cannot be deemed unreasonable. However, it would be a misuse of Rawls' term of reasonableness. Then, a morally relativist account would claim that reasonableness is not important so that the political conception of justice ultimately is not valid. As a result, this account would find itself in a situation which is going beyond the asymmetry objection and starting a "deep moral, religious, or philosophical" discussion. Therefore, this relativistic loop cannot

propose any account of public reason, besides it cannot provide a ground on which public reason can operate under fair terms of cooperation. Then, what is the point of arguing about the permissible content of public reason? After all, rejecting the idea of common human reason (not interpreting it differently, but rejecting it completely) is also an effort to make a claim about human nature –a claim which, ultimately, presents itself as true[22]. That is, making a claim about human nature contradicts with a relativist account of truth.

This may seem as a simple analytical consequence of the configuration of the definition of the term reasonable at the outset. Even though it seems as resulting from the axiomatic structure of Rawls' analysis, this point has crucial importance. This reveals the analytical core of Rawls' theory. The asymmetry objection does not necessarily reject the political conception of justice or the principles of reasonableness. However, after accepting those principles, it points to the possibility of "reasonable" disagreements about justice is possible. This construction of the argument besides Quong's innovative response to it press the objectors to either retreat or more foundationally reject the political conception of justice. After this point, if asymmetry objection wants to be true, it must either construct an alternative conception of political justice which is coherent and do not have any problem of asymmetry or reject the idea that a freestanding political conception of justice is possible at all. This necessitates a workload that the asymmetry objection does not assign itself.

[22] For a more detailed explanation of this sort (against relativist accounts of postmodern thinking), see Sayer, 1993.

4.3.2 Reversing the asymmetry objection: A greater asymmetry

The asymmetry objection's core claim, as shown above, is that asymmetric treatment between the questions of the good life and the justice does not hold, since reasonable disagreement about the justice is also possible. The first step for answering the question "Should different conceptions of the good life be permitted for justifying a view on the justice given that there can be reasonable pluralism about the justice?" was to show that reasonable disagreements about the good life are not the same with reasonable disagreements about the justice. Reasonable disagreements about the justice are justificatory, not foundational. The asymmetry objection, then, should claim two remaining points from this answer if it wants to press against the exclusion of religious discourses further. These questions are analyzed in a propositional form:

(1) The asymmetric treatment between the good and the justice results in unequal burdens put upon religious and secular persons. Religious persons have a greater burden upon them and secular persons can more easily engage in a political conception of justice. Religious persons are forced to split their identities in the process of public reasoning whereas secular persons belong to a preferred version of citizenship identity and political personhood by default.

(2) The political conception of justice, as a freestanding view is not and cannot be freestanding. The political domain cannot be described as agnostic towards the primary assumption under no circumstances. Agnosticism in the process of justification of the principles of justice and corresponding laws always implies some form of comprehensive doctrine which can give an unfair advantage to nonreligious persons throughout deliberation.

The first argument is assessed in the following section and the second one is addressed in the chapter on Rawls' Kantianism. However, a complete solution to the second problem requires also a proof of neutrality of agnostic claims in terms of the primary assumption (whether There is God or not). Even if we accept that Rawls' political conception of justice is capable of proving the neutrality of the state with respect to justificatory procedures which ground on the idea of public reason, there is still an epistemological work needed to prove the neutrality of agnostic statements.

Next, an evaluation of the asymmetry objection will be discussed in reverse. What happens when a religious discourse is permitted to offer reasons in the public sphere? To illustrate, assume that a participant *X* offers a reason within his or her religious comprehensive doctrine under the otherwise ideal conditions of public reason. That is, *X* offers a reason *R* to argue for a law must be passed. *R* is a reason that is derived from and depended upon religious comprehensive doctrine. This means that *R* is subjected to (1) evaluative standards are justified on the grounds of *X*'s particular interpretation of his or her religious comprehensive doctrine and *R* is a reason that is (2) foundationally justified on the validity of a particular metaphysical truth claim (such as "There is God"). An example of this sort of reasoning can be: There is the God; The proposition that "There is not God" is absolutely false; The religion I belong to has the true conception of the God; There is a text that conveys the literal (or aspirational) word of the God; This text must be evaluated on the grounds of the standards that I believe is true; These standards of evaluation must result in the conviction a particular act *A* is not permissible for anybody; Therefore, the law that bans *A* must be passed.

In the case of political liberalism, *X* would be obliged to restraint this reason and to provide a reason that any other reasonable person as free and equal under fair

terms of cooperation can reasonably share and accept. If the asymmetry objection is correct, in the case of political liberalism, *X* would be laid an extra burden because he or she is enforced to not give the reasons he or she sincerely believes and held responsible for trying to find other reasons which are not contradicting with his or her sincere believes. However, an agnostic participant would never be in that situation. Therefore, an asymmetry between reasons from different comprehensive doctrines, especially to religious citizen's disadvantage, is created. If the asymmetry objection's claim is valid, consider the other participants: Participant *Y* believes: There is the God; The proposition that "There is not God" is absolutely false; The religion *X* and *Y* both belong to has the true conception of the God; There is a text that conveys the literal (or aspirational) word of the God; This text must be evaluated on the grounds of the standards that both *X* and *Y* believe is true; These standards of evaluation do not have to result in the conviction that a particular act *A* is not permissible for anybody; Therefore, the law that bans *A* must not be passed. Or consider another participant *Z* believes that: The religion *X*, *Y*, and *Z* all belong to has the true conception of the God; There is a text that conveys the literal (or aspirational) word of the God; This text must not be evaluated on the grounds of the standards that both *X* and *Y* believe is true but on the grounds of the standards that *Z* believes them to be true; These standards of evaluation do not have to result in the conviction that a particular act *A* is not permissible for anybody; Therefore, the law that bans *A* must not be passed. Assume another participant *Q* believes: The religion *X*, *Y*, *Z*, and *Q* all belong to has the true conception of the God; but *Q* does not believe that the text which *X*, *Y*, and *Z* believes that it conveys the literal (or aspirational) word of the God does not convey the word of the God; Therefore, *Q* does not believe that any standard of evaluation would lead to any judgment about

whether *A* is permissible for anybody or not; Therefore, the law that bans *A* must not be passed. Finally, consider three other alternative participants: *K* believes that the religion *X,Y, Z,* and *Q* all belong to does not have the true conception of the God, but the religion of *K* has; *L* believes that there is not the God; and *M* believes that both propositions "There is the God" and "There is not the God" are not true, *M* basically does not want to make any judgment about these propositions at this given time.

A population constituted by the participants above produces asymmetrical burdens at different levels if the participants are allowed to give reasons derived from their comprehensive doctrines. This portrayal clearly represents the asymmetry cannot be claimed as simply as "religious comprehensive doctrines' extra burden versus political liberalism' favor of secular reasons" when a participant offers a reason derived from his or her comprehensive doctrine. It is true that, in this case, any participant does not have to restraint reasons from their comprehensive doctrines; however, almost all participants are obliged to reply on the basis of another comprehensive doctrine's foundational assumptions (regarding the existence of God and authenticity of the text), justificatory interpretations (evaluative standard of the text), and correct justification following that evaluative standard of the text. Besides, some participants are either enforced to state an opinion regarding the foundational assumptions or split their identity to take the role of a believer in order to give proper responses to the conclusions drawn justified on the grounds of foundational assumptions. Even in this case, there is a possibility of justificatory disagreements. Therefore, if asymmetry objection is valid, foundational disagreements about the justice is acceptable; then, greater asymmetrical burdens will be produced in this population constantly at the levels of foundational

disagreements about the good, justificatory disagreements about the good, and foundational disagreements about the justice.

When comprehensive doctrines are allowed to give reasons that are derived only within themselves, in actuality, there will always be a risk of monopolization of normativity and domination of a particular religion or a denomination. This may or may not be; however, essentially risks the stability of a well-ordered society by bringing extra-political issues always to the agenda of justice. For example, as stated by Chase (2006), it is not true that Islam is incompatible with human rights more than any religion; however, at the same time, it is also not true that the only normative foundation for human rights in societies with a Muslim majority must be Islam itself. This is caused by an artificial "religious secular-binary" that "distorts Islam into an all-defining monolith that excludes non-Islamic norms" and flourishes from "a parochialism that sees the Muslim world's public sphere as monopolized by religion" (Chase, 2006, p. 146).

4.4 Conclusion

Let us turn back to our original question in the light of previous discussions: Should different conceptions of the good life be permitted for justifying a view on the justice given that there can be reasonable pluralism about the justice? Quong's solution for this question was to demonstrate differences between reasonable and unreasonable pluralisms about the justice. Still, it should be proved why unreasonable pluralism about the justice is unreasonable. The answer relates to the idea that political conception of justice is freestanding. A freestanding conception of justice means that this conception does not "depend on any comprehensive doctrine for its validity, and it takes priority over comprehensive views since it defines autonomously whether

they are reasonable or not" (Forst, 2017, p. 123). The asymmetry objection can be refuted to an extent that it claims political liberalism is incoherent in the terms described above; however, an internally coherent political liberalism still conceptualizes "reasonableness" and "freestanding view of justice" in ways which lead to question why foundational disagreements about justice are not permitted in the formal public spheres. In order to take further steps on this question, then, the Kantian core of political liberalism must be considered. In the sense of being "structurally Kantian", Rawls ascribes political-moral domain a "normatively prior" status (hand in hand with the idea of practical reason and the political conception of personhood); however, he diverges from Kant in terms of metaphysical load of the idea of autonomy and universality of metaphysically grounded morality. Does Suggesting that foundational disagreements about the justice can be permitted means that foundational disagreements about the good and the justice are the same: both are actually disagreements about the good and there is not an independent domain of "the political". This viewpoint requires an advocate to pick from two options: (1) He or she may conceptualize "the political" as the battleground of conflicting ideas of the good. Therefore, the advocate prefers an agonistic or hegemonic model of democratic politics. Alternatively, (2) The advocate could choose one comprehensive doctrine and claim its undeniable validity over the other comprehensive doctrines. Note that this is a less pluralistic standing than the previous alternative since this view cannot comprehend the coexistence of conflicting worldviews which all of them, except one, is absolutely not true.

CHAPTER 5

CONCLUSION

This thesis has investigated the following question: Given the fact that each and every society has varieties of conceptions of the good life and of the plurality of metaphysical truth claims, are religious discourses permissible for justifying norms in the public sphere? The investigation has started with framing the question with a particular strand of theories of justification. In order to answer the question, a need for a deliberative democratic theory with a focus on public reason is emphasized. Then, answer from Rawls' account of political liberalism and its Kantian core are presented.

This answer is problematized through the asymmetry objection to exclusion of religious discourses in the public sphere. The asymmetry objection is evaluated via a multidimensional analysis. Both weak and strong formulations of the objection is met. Quong's (2011) solution to the asymmetry objection is presented and an interpretation of the solution is utilized to make further deductions on Rawls' *Political Liberalism*. Evaluation of the asymmetry objection and Quong's solution has led us to emphasize a particular reading of Rawls' *Political Liberalism*. Accordingly, the findings of this thesis are the following: (1) The asymmetry objection is inadequate to demonstrate an inconsistency within political liberalism. (2) The asymmetry objection cannot sufficiently prove, by itself, that religious discourses should be allowed to justify the principles of justice; they cannot be regarded as public reasons. (3) After demonstrating these points effectively, there still remains a core in political liberalism that can fuel further objections or give credit to different formulations of the asymmetry objection. (4) This core can be

revealed through a Kantian reading of Rawls' political liberalism. (5) This Kantian core argues for a special domain for "the political" and recognizes the universality of justifications which do not supposedly have any metaphysical truth claims. (6) Further research is needed to prove the universality (or neutrality) of such justifications at the epistemological level: Is it possible to construct an epistemological view on politics which does not have to take a side on the primary assumption ("There is God")?

As it has shown, Rawls ascribes non-religious reasons a special status in public reason: they are not only secular reasons but reasons that do not engage in the deep and controversial religious debates (for example, debate over the existence of God). However, at both ends, some scholars disagree with Rawls. On the liberal end of the spectrum, scholars like Robert Audi (1993; 1997; 2000) holds a secularist position which "identif(ies) the pool of 'generally acceptable reasons' with secular reasons" (as cited in Lafont, 2013, p. 405). On the post-colonial end, scholars like Thaler (2009) consider even minimal and hypothetical forms of public justification cannot be conceived as free from power relations (as cited in Chamber, 2010, p. 897).

The argument of this thesis is not that Kantian interpretation of Rawls composes the most accurate reading of Rawls' *Political Liberalism* or a specific Kantian reading of Rawls is superior to the other Kantian readings. The argument is that without resorting to Rawls' Kantian interpretation, it will not possible to meet, completely, the asymmetry objection[23]. Even when the asymmetry objection's incapability of revealing an inherent incoherence in political liberalism is

[23] Note that this Rawls' Kantianism does not highlight or support the views qualifying political liberalism as just another comprehensive doctrine: Kantian as a non-comprehensive moral-political doctrine, not a Kantian comprehensive doctrine.

demonstrated, there still remains a core that it needs to be proved which is the very concept of reasonableness. The reasonableness notion depends very much on a Kantian universalism as well as a structural similarity between constructivism of Rawls and Kant in terms of practical reason. Rawls tries to set his conception of the political as prior to or foundational for any sort of comprehensive doctrine. The domain of moral and the domain of "moral-political" are distinguished by abandoning metaphysical truth claims by Rawls. Even when we assume that abandoning metaphysical grounding of moral autonomy is possible, human reason's self-authenticating and self-originating nature is still claimed to be universal. The idea of self-legislation depends on the idea of the expression of identity of "political" (not moral) agents' freedom and equality. This very notion is an application of practical reason to the political domain.

Reasonable comprehensive doctrines do not have a foundational disagreement over the justice. Reasonable disagreement about the justice, at the foundational level, is not possible. Foundations of justice must be justified independently from comprehensive doctrines. These principles of justice can be endorsed by all reasonable comprehensive doctrines and these doctrines can find the ways to justify them in accordance with their doctrines for themselves. However, a political action cannot be grounded on a particular comprehensive doctrine's reasons for justification of the action at hand. The subtlety of exclusion of religious discourses lies right here. This is not a total exclusion in the sense that religious citizens should restrict themselves for deriving reasons within their comprehensive doctrines to internalize the norms or to check their coherence with respect to their comprehensive doctrines when overlapping consensus is achieved through independently justified norms. Religious citizens are only restricted to offer reasons

in the formal public spheres where these norms are justified to the others –the others who do not agree on the validity of metaphysical truth claims of their counterpart's comprehensive doctrine. Therefore, deriving reasons within comprehensive doctrines is permitted to endorse the principles of justice as constitutional essentials and their interpretations as laws, regulations, and so on as long as these essentials are also justified independently from all comprehensive doctrines. Thus, religious comprehensive doctrines can be reasonable and be permitted to derive reasons from their comprehensive doctrines as long as they do not present those reasons as public and do contribute this process of independent justification. As a result, reasonable religious comprehensive doctrines are possible as well as unreasonable ones. If a religious comprehensive doctrine rejects the idea of political conception of justice and the freestanding view (regardless of whether members of the doctrine are allowed to derive reasons within the doctrine for themselves), it is then unreasonable.

An argument presenting Rawls' *Political Liberalism* and/or *A Theory of Justice* as Kantian theories might have a greater scope. The Kantian lens through which we examine Rawls does not limit us to the subject at hand. For example, fusion of justification and legitimacy, as described in introductory section 1.2, demonstrates how Lockean paradigm has shifted toward "a Kantian middle ground where the distinction between them virtually disappears: the Rawlsian argument that shows a type of state to be justified also shows all tokens of that type to be legitimate" (Simmons, 1999, p. 759). Thus, fusion between legitimacy of coercive state power and justification of principles of justice reveals a way which contemporary theories of liberalism (that center on "justification") are Kantian. Thus, this point is not only limited to Rawls, besides an analysis of Kantianism of Rawls cannot only be grounded on a deconstruction of the terms "reasonableness" and

"freestanding view". The point here is that to show that the asymmetry objection makes transparent the Kantian core of Rawls' political liberalism from a particular point of view, namely from the view of discussions regarding the exclusion of religious discourses from the public sphere. Nevertheless, it should be noted that this core contains more Kantian aspects than it is covered in this thesis. It is not our task to defend that the Kantian reading of Rawls is more accurate than non-Kantian readings but to demonstrate that the points which should be proved (in order to meet the asymmetry objection fully) constitutes the Kantian core of Rawls' political liberalism.

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