

# The character of public reason in Rawls's theory of justice

(1) Faculty of Arts and Culture, South Eastern University of Sri Lanka, Oluvil, Sri Lanka.

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**Abstract:** The objective of this paper is to analyze the character of public reason in theory justice in the works of John Rawls Political Liberalism, The idea of public reason revisited and Justice as Fairness: A restatement, with the interpretation to identifying a pragmatic justification in the theory of justice as fairness.

**Keywords:** public reason; political conception of justice; theory of justice as fairness.

## Statement of the Problem

The problem is that we intend to investigate the character that takes on the quality of public reason in the theory of justice developed by Rawls. The basic issue is to identify how Rawls understands the possibility of a foundation of the principles of justice for the basic structure of society, providing opportunities for a minimum common basis for the stability and legitimacy, defending a cognitivist position based on public values (moral and political) of freedom and equality, assuming an ideal of democratic citizenship and the duty of civility on the issues essential elements of justice and constitutional essentials, from a pragmatic justification in a public context. One of the main problems addressed by Rawls is about the moral justification, i.e. to establish a foundation of moral principles and judgments, refusing both the fundamentalist position as the skeptical position or emotivism. Rawls required countering the numerousness moral interpretation, which identified the impossibility of justification of

moral judgments because of its subjectivity linked to emotions, arguing for the objectivity of these judgments and the ability of people to be more or less reasonable.

We can point out three methods of justification in the theory of justice as fairness: (i) the balance reflective (reflective equilibrium), (ii) the original position under the veil of ignorance and (iii) idea of public reason. The reflective equilibrium is an intuitive and inductive method, because it justifies the principles of justice from the moral judgments of converging public culture of a democratic society such as religious tolerance and rejection of slavery.<sup>1</sup> It is clearly the appeal on the grounds of intuitionistic identification of that freedom and equality are good, which favors the classification of Rawls' theory of justice as a comprehensive doctrine. The method of the original position is theoretical and deductive, the principles are justified because they are derived from a formal model of correctness, which is the veil of ignorance, which imposes formal deduction, and institutions are just as if these principles and being fair distribution if it conforms to the institutions.<sup>2</sup> In turn, the idea of public reason states that the constitutional issues and the essential elements of basic justice are affirmed from the political values that can be endorsed by all citizens in the form of an overlapping consensus between comprehensive doctrines, which shows a closeness with pragmatism

The basic question to be answered is about what is the status justification the idea of public reason. Also

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<sup>1</sup> RAWLS, J. 1971. *A Theory of Justice*. Cambridge, Harvard University Press, pp, 20-21

<sup>2</sup> Ibid, pp 136-142

there is a certain line of continuity between the three methods in relation to a cognitivist position refusing antirealism. Intuitionism's reflective equilibrium brings to us as close to moral realism when it happens an identifying cooperation as that which is good. Otherwise, the theoretical and deductive original position reveals a constructivist perspective, in which the principles are justified from a construction method that maintains proximity with a kind of moral idealism, although Rawls's political constructivism cannot be equated Kantian moral constructivism by abstracting the concept of truth. In short, the idea of public reason seems to be located in a horizon of pragmatic reasons, as it seeks to achieve an overlapping consensus between different comprehensive doctrines. However, it seems that this pragmatism includes an intuitionistic character of moral realism by asserting the intrinsic value of moral and political duties, which approximates a position of refusal to anti-realism.

## The Idea of Public Reason

The idea of public reason can be found in Hobbes, Rousseau, and Kant, it was John Rawls who brought this idea into play in contemporary political philosophy. Rawls's conception of public reason is represents one of the most influential accounts of contemporary liberal philosophy responds to the question of religious and other so-called comprehensive doctrines in political philosophy. The public reason is the relation of citizens as they share the status of citizenship and its object is the public good in a public conception of justice that has a public basis of justification. Rawls reinterprets the concept of public reason as used by Kant in Reply to the question: Public reason then, its three guidelines, namely: "as the reason of citizens as such, it is the reason of the public; its object is the good of the public and matters of fundamental justice; and its nature and content is public, being given by the society's conception of

political justice, and conducted open to view on that basis."<sup>3</sup>

At first feature of public reason and its specific object is the relation of citizens who are equal, forming a collective body, exercising political power of some over others. The limits imposed on public reason to circumscribe the political questions " constitutional essential and question of basic justice,"<sup>4</sup> this means that political values should resolve the fundamental questions such as, for example, "who has the right to vote, or what religions are be tolerated, or who is to be assured fair equality of opportunity or to hold property."<sup>5</sup> These are significant issues clearly specify the proper object of public reason. Another key feature of public reason is that its limits do not apply to discussions and individual reflections on the political issues, which characterize the culture background of a group, applying specifically for citizens, "when they engage in political advocacy in the public forum."<sup>6</sup> It is imperative to observe a proper distinction of the application form to the ideal of public reason for citizens and state authorities: the ideal of public reason applies in official forums which are the legislative, executive and judiciary. It is applied to the legislature and the executive while they are on the public address space. In the sphere of the judiciary, especially the Supreme Court applies in particular the idea of public reason, because "[...] the justice have to explain and justify their decisions as based on their understanding of the constitution and relevant statutes and precedents,"<sup>7</sup> characterizing the judiciary as an exemplary case of public reason, due to it being restricted to issues and the fundamental constitutional questions of basic justice, taking into account the limits imposed by the democratic constitution and the general welfare.

A key issue at stake is to know that citizens would not use the limits of public reason to decide on key policy issues, not using a comprehensive conception of

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<sup>3</sup> RAWLS, J. 1996. *Political liberalism*. New York, Columbia University Press,p,213

<sup>4</sup> Ibid, p,214

<sup>5</sup> Ibid

<sup>6</sup> Ibid.p ,215

<sup>7</sup> Ibid.p ,216

truth, using only “to a public conception of justice.”<sup>8</sup> This apparent paradox is resolved with the use of a liberal principle of legitimacy that has two fundamental characteristics, namely, first, “it is a relationship of persons within the basic structure of society into which they are born and in which they normally lead a complete life. Second, in a democracy political power, which is always coercive power, is the power of the public, that is, of free and equal citizens as a collective body.”<sup>9</sup> Rawls concerns as a permanent feature of public culture of a democratic society the diversity of religious, philosophical and moral doctrines and not a historical contingency. As a result, citizens should exercise their political power based on principles and ideas of public justice, and this characterizes the liberal principle of legitimacy. Disappears, thus the paradox of the use of public reason for citizens to deliberate on key policy issues, depending on the design policy is supported by an overlapping consensus of comprehensive doctrines and reasonable. This means that “citizens affirm the ideal of public reason, not as a result of political compromise, as in a *modus vivendi*, but from within their own reasonable doctrines.”<sup>10</sup> This apparent paradox of public reason is terminated due to be perfectly reasonable to dispense with the truth as a whole for a demonstration in the political sphere, as seen in cases where the rules of evidence limit the testimony that can be introduced, aimed at the defendant a trial fair, “not only is hearsay evidence excluded but also evidence gained by improper searches and seizures.”<sup>11</sup> It is imperative is to think about the scope of public reason as the space of key issues aimed at the common good within the political community.

Aiming to clarify the suitable form of public reason, Rawls sets out distinctions between this and the reason for non-public. A first explanation highlights that “there are many nonpublic reasons and but only one reason .among the non-public reasons

are, those of associations of all kinds: churches and universities, scientific societies and professional groups.”<sup>12</sup> The reasons are social, non-public, part of the cultural horizon background of a society, including the “many reasons of civil society, and belong to what I have called the “background culture” in contrast with the public political culture.”<sup>13</sup> The reasons for non-public use criteria and methods differ depending on the way to interpret the nature of the problem and purpose of each association and the conditions which seek to achieve their ends. Rawls notes that in a democratic society citizens regarded as free and equal, whether comprehensive religious, philosophical or moral views, and this is the dominion of political competence, specified by constitutional rights and liberties.<sup>14</sup> However, government’s authority cannot be accepted in this way (free) as a function of individuals are always inserted in a political community, and is therefore necessary to consider the scope of public reason for the validation of government power.

## The Content of Public Reason

To understand the content of public reason it is significant to recall that it is developed within political liberalism, which as the name implies is a conception of justice which is in a sense liberal, and in a sense political. It is liberal in the sense that it specifies certain rights, limits and opportunities. It also assigns these rights and opportunities a special priority, especially regarding the general good. Importantly, it assures the measures that allow citizens to realistically take advantage of these rights, and the conditions which encourage them to be bound by the limits. It is political in the sense that it applies only to the basic structure of society, and in the sense that it is freestanding; that is, it is independent from any single comprehensive doctrine. Finally, it is elaborated in terms of fundamental, implicit ideas of a public, political, democratic society.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.p, 218

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.p, 220

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.p221

The content of public reason is expressed by "political conception of justice" of a liberal character, and that means three things: first, it specifies certain basic rights, liberties and opportunities (of the kind familiar from constitutional democratic regimes); second, it assigns a special priority to these rights, liberties and opportunities especial with respect to claims of the general good and perfectionist values, and third, it affirms measures assuring all citizens adequate all –purpose means to make effective use of their basic liberties and opportunities."<sup>15</sup> The two principles of justice (the principle of equal liberty and the principles of equal opportunity and difference) appear as the content of public reason and that explains the meaning of a political conception of justice that: (i) that it is framed apply solely to the basic structure of society (ii) presents an independent view of any comprehensive doctrine and (iii) is drafted in terms of fundamental political ideas. It is important to clarify the guidelines of inquiry for applying the principles of justice. So a liberal political conception must include: (a) substantive principles of justice for the basic structure, (b) guidelines for inquiry: principles of reasoning and rules of evidence in the light of which citizens are to decide whether substantive principles properly apply and to identify laws and policies that best satisfy them."<sup>16</sup> Following this argument, it appears that the liberal political values are also of two types, of which the first type (the values of political justice) belongs to the same class as the principles of justice for the basic structure and the second type (values of public reason) belongs to the same category of guidelines for public inquiry that make this kind of independent and public inquiry.

The basic structure of society and its public policies are to be justifiable to all citizens, according to the principle of political legitimacy requires. When performing the justifications, as required by the principle of political legitimacy, "to presently accepted

general beliefs and forms of reasoning found in common sense and the methods and conclusions of science when these are not controversial."<sup>17</sup> This interpretation emphasizes that, as a liberal conception of justice as fairness, "specify the guidelines of public reason as well as its principle of legitimacy, have the same basis as the substantive principles of justice, this meaning in justice as fairness that the parties in the original position, in adopting the principles of justice for basic structure, must also adopt guidelines and criteria of public reason for the applying those norms."<sup>18</sup> It is important to realize that accepting the idea of public reason, and also the principle of legitimacy does not mean accepting a particular liberal conception of justice in all its aspects and principles of content and, "The point of the ideal of public reason is that in citizens are to conduct their fundamental discussions within the framework of what each regards as a political conception of justice based on values that the others can reasonably be expected to endorse and each is in good faith, prepared to defend that conception so understood."<sup>19</sup>

For reviews concerning the scope of a political conception of justice is necessary to establish the elements that are essential constitutional principles that specify, the overall structure of the government and the political process and equal rights that must comply with legislative majorities are to respect. These constitutional elements of the first kind, that specify the overall structure of the government and the political process, may be specified in several ways, for example, "Witness the difference between a presidential or cabinet government". But once settled it is vital that the structure of government be changed only as experience shows it to be required by political justice or the general good,"<sup>20</sup> but never on the basis of individual interests for the attainment of more power. The constitutional elements of the second kind concern basic rights and fundamental liberties can

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<sup>15</sup> Ibid.p223

<sup>16</sup> Ibid, p,224

<sup>17</sup> Ibid,

<sup>18</sup> Ibid, p,225

<sup>19</sup> Ibid, p,226

<sup>20</sup> Ibid, p,228

only be specified in but one way, namely, a module subject to relatively few changes in order to establish the guarantee of liberty of conscience, and freedom of association etc... From this analysis establishes a further distinction between the principles of justice that specify the rights and liberties and the principles governing the fundamental questions of distributive justice, social and economic inequalities and foundations of social self-respect. Both principles express political values, but their differences are coordinated in different roles of the basic structure of society, that in the first express, we have the specification and guarantee basic rights and liberties, establishing fair procedures, and the second express, "it sets up the creation of background institutions of social and economic justice appropriate to citizens as free and equal"<sup>21</sup> (Rawls, PL p. 228). Presents four reasons to distinguish between the elements essential constitutional freedoms specified by the principles that regulate social and economic inequalities, namely: (a) "The two kinds of principles Specify different roles for the basic structure , (b ) It is more urgent to settle the essential dealing with the basic freedoms (c) it is fair easier to tell whether those essentials are realized (d) it much easier to gain agreement about what the basic rights and liberties should be, not in every detail of course, but about the main outlines."<sup>22</sup> A political conception of justice encompasses the essential constitutional elements and issues of basic justice and be limited to the question of "freedom of movement and free choice of occupation, and a social minimum covering citizens basic needs count as constitutional essentials while the principle of fair opportunity and the difference principle do not."<sup>23</sup>

For Rawls, the Supreme Court is considered an exemplary case of public reason, as "the public reason is the reason of its supreme court."<sup>24</sup>

Outline, initially, two issues, namely: (i) that public reason is suitable to be the court's reason in the exercise of highest judicial, but not the interpreter of the higher law and (ii) that the Supreme Court is the branch most characteristic of the government that serves as the exemplar of public reason. These questions are set from the identification of five principles of constitutionalism: (i) the distinction between constituent power of the people to establish a new regime and the common power of government officials exercised daily, (ii) the distinction between common law and the law more High in the higher law (constitutional law) restricts and guides this ordinary power, (iii) the constitution is the highest example of the law, (iv) through a democratic constitution, citizens provide essential constitutional elements, such as rights and fundamental freedoms, freedom of expression and association, freedom of movement, choice of occupation and the protections of the rule of law, (v) the supreme power of a constitutional government must belong to the three branches in a specific relationship with one another with each responsible to the people.<sup>25</sup>

It is identified a duality in constitutional democracy, it is possible to distinguish the constituent power of the ordinary, and the supreme court must be in tune with the idea of constitutional democracy in order to defend the law at its most high. The Supreme Court is then presented as the exemplary institution of public reason, being a function of judges to express the best interpretations of the constitution, cannot use personal criteria for judging, as religious doctrines, philosophical or moral, appealing only to the political values that are part of the political conception of justice. An essential role of the court as an institution exemplar of public reason is to give strength and vitality to public reason in a forum that is also public, interpreting the constitution effectively in a reasonable method.

<sup>21</sup> Ibid,

<sup>22</sup> Ibid, p,230

<sup>23</sup> Ibid,

<sup>24</sup> Ibid, p,231

<sup>25</sup> Ibid, pp,231-32

What is at stake is to find a political concept based on values of justice and public reason to reach a reasonable time and may join in an agreement on key political issues, namely issues involving basic constitutional essentials and matters of basic justice. A first difficulty of this scheme notes "that public reason often allows more than one reasonable answer to any particular question, this is because there are many political values and many ways they can be characterized."<sup>26</sup> The answer to this problem lies the specific horizon of public reason in a purely political, considering that public reason does not establish the requirement of all accept the same principles, "but rather to conduct our fundamental discussions in terms of what we regard as a political conception."<sup>27</sup> "A second difficulty concerns what is means by voting our sincere opinion."<sup>28</sup> Therefore, it is essential to identify three conditions for the respect of public reason and the principle of legitimacy, namely: (a) it is assigned great weight to the ideal that he prescribes, (ii) it is believed that the reason the public is adequately complete (iii) it is believed that the vision of citizens expressed a specific combination and a reasonable balance with the political values. The key question is whether the citizens, to use only political values to decide on key issues, not using comprehensive doctrines, they are being sincere. Rawls believes that the beliefs in comprehensive doctrines are consistent with the three conditions presented. From this perspective, only the unreasonable comprehensive doctrines come into disagreement with the public reason, not sustaining a reasonable balance of political values. "A third difficulty is to specify when a question is successfully resolved by public reason."<sup>29</sup>

Rawls's approach emphasizes a complete political conception of justice, in which its political values admit a balance that provides a reasonable response to all key issues (or almost all). To achieve greater clarity of positioning, there are mentioned four extension

problems: "One is extending justice to cover our duties to future generations (under which fall the problem of just savings). Another is the problem of extending it to the conception and principle that apply to international law and political relations between peoples- the traditional *jus gentium*. A third problem of extension is that of setting out the principles of normal health care; and finally, we may ask whether justice can be extended to our relations to animals and the order of nature."<sup>30</sup> The position is defended that justice as fairness can account for the first three issues from a vision of a social contract that is recognized the status of full citizens of a society. From this contractarian view, it is thought towards the future, compared to other generations in the outward direction, in relation to other companies, and the internal sense in covering those requiring normal health care. The fourth issue, on an environmental ethic should be resolved from non-political values in which each one decides from their comprehensive doctrines and try to convince others of our position, not being able to apply the limits of public reason in these cases.

From this analysis, it is important to the question of when a key question is settled by public reason. The resolution of an issue for public reason to reach the reasonable (reasonable), i.e., an overlapping consensus of comprehensive doctrines that identify a specific political. Aiming to continue the argument about the limits of public reason, Rawls introduces a unique vision in research and inclusive. In the exclusive view, the reasons offered in terms of comprehensive doctrines should never be introduced into public reason in relation to key policy issues. "This exclusive view, there is another view allowing citizens, in certain situations, to present what they regard as the basis of political values rooted in their comprehensive doctrine, provided they do this in ways that strengthen the ideal of public reason itself."<sup>31</sup>

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<sup>26</sup> Ibid, p,240 (pl p. 240).

<sup>27</sup> Ibid, p,241

<sup>28</sup> Ibid,

<sup>29</sup> Ibid, p,244

<sup>30</sup> Ibid, pp,244-45

<sup>31</sup> Ibid, p,247

The ideal of public reason must be understood according to the inclusive vision, because it allows a wider range of political reasons (exclusive and inclusive), depending on the specific case, therefore, more flexible. Rawls offers two examples on the issue: (i) a more or less well-ordered, with a strong overlapping consensus of reasonable doctrines and respect to the ideal of public reason. Thus, the public reason that well-ordered society is in agreement with the exclusive view, because only rely on political values, respecting the ideal of public reason, (ii) a more or less well-ordered, with a conflict about the principle of fair equality of opportunity with regard to education for all, this conflict regarding the government support for public schools only, or also support for church schools. May be crucial that the various groups are obliged to explain his reasons, addressing how to own comprehensive doctrine confirms the political values in a public forum.<sup>32</sup> These examples presented emphasize the need for mutual support between the political conception and its ideal of public reason to achieve stability in “a well-ordered society publicly and effectively regulated by a recognized political conception fashions a climate within which its citizens acquire a sense of justice inclining them to meet their duties of civility.”<sup>33</sup>

The ideal of public reason is understood as a complement to a constitutional democracy characterized culturally by a plurality of reasonable comprehensive doctrines. The types of policy issues applied to public reason are issues relating to constitutional essential elements and questions of basic justice. The object of public reason applies to citizens as is involved in public issues. More specifically, it applies to public authorities and governmental organizations in official forums. In particular, the public reason applies to the judiciary, both in their decisions as in his exemplary constitutional requirement of public reason.

The content of public reason is offered by the political conception of justice and constitutes the substantive principles of justice for the basic structure of society and the guidelines of inquiry and the concepts of virtue that can make public reason. The limits of public reason are in “the ideal of democratic citizens trying to conduct their political affairs on terms supported by public values that we might reasonably expect others to endorse. The ideal also expresses a willingness to listen to what others have to say and being ready to accept reasonable accommodations or alterations in one’s own view.”<sup>34</sup> This interpretation of public reason represents a big breakthrough because it highlights the role of the duty of civility as an ideal of democracy and considers the content of public reason only the political values and guidelines of a political conception of justice, not being related to a design comprehensive moral, however, this view is close to a substantive moral theory, for it appeals to moral-political values as civility, reasonableness (mutual respect and civic friendship) and citizenship.

The scope of public reason to start thinking about what is the theoretical scope of the category of public reason in the theory of justice of Rawls, we take as a starting point the analysis carried out by Habermas in *Reconciliation through the public use of reason: Remarks on John Rawls’ political liberalism*. Habermas’s investigation concerns the relationship between the private and the public autonomy in Rawls, who understands of public reason.<sup>35</sup> When reviewing the procedural form of practical reason, in the form of public use of reason, those principles are valid which can be free object recognition in terms of intersubjective discourse. Habermas wants to analyze the model in its proceduralist Rawlsian political fallout in the form of the democratic constitutional government. The discussion is limited to the confrontation between the freedoms of modern,

<sup>32</sup> See, Ibid, p,248

<sup>33</sup> Ibid, p,252

<sup>34</sup> Ibid, p,253

<sup>35</sup> HABERMAS, J. 1995. Reconciliation through the public use of reason: Remarks on John Rawls’ political liberalism. *The Journal of Philosophy*, 92(3): p,126

liberal, and the freedoms of former Republicans. Liberals emphasize the individual liberties such as freedom of belief and conscience, protection of life, personal liberty and property, while Republicans emphasize the freedoms objective, as the right of political participation and communication that enable self-determination of citizens.

For Habermas, "Rawls certainly proceeds from the idea of political autonomy and models it at the level of the original position"<sup>36</sup> Thus, the legal protection of privacy is a priority, while political freedoms have an instrumental role in the preservation of other freedoms. Habermas accuses Rawls of creating a border in advance of autonomy in relation to public autonomy, contradicting the intuition that the republican popular sovereignty and human rights derive from the same root and contradicting also the historical experience, especially the fact that the various boundaries between private and public autonomy have always presented problems of normative point of view. For Habermas, Rawls should treat the political perspective of legal regulation, but does so only in passing, to enable the dialectical relationship between positive law and individual liberties.<sup>37</sup>

Rawls responds to Habermas the objection, analyzing the relationship between the liberties of modern versus the will of the people in political liberalism in the Reply text to Habermas. In Habermas' interpretation, the modern liberal rights overlap a priori determination of the democratic process. Habermas argues that political liberalism starts from the idea of political autonomy and models at the original position. Rawls clarifies the misunderstanding arguing from the idea of the *four stage sequence*: (i) original position, where the parties choose principles of justice, (ii) the parties, seeing ourselves as delegates, seek to bring the principles and

rules of a constitution in the light of the principles of justice already on hand, (iii) the shares are converted into legislators, enacting laws as the constitution allow and as the principles of justice require and permit, (iv) the parties have assumed the role of judges interpreting the constitution and laws as members of the Judiciary. first, the following four-step process does not describe an actual political or purely theoretical one, and secondly, the misunderstanding may arise because of the abstract idea of the original position as mechanism of representation and imagining the parties for their election and keeping the principles of perpetuity, "it is part of justice as fairness and constitutes part of a framework of thought that citizen in civil society who accept justice as fairness are to use in applying its concepts and principles."<sup>38</sup>

For Habermas, the public use of reason does not have the sense of an actual exercise of political autonomy, but that serves only the permanence of political stability. Rawls claims that in the PL, autonomy is understood as political rather than moral autonomy. "The latter is a much wider idea and belongs to comprehensive doctrines of the kind associated with Kant and Mill. Political autonomy is specified in terms of various political institutions and practices."<sup>39</sup> We can restart the process of initial radical democratic core of the original position in the real life of society, for the following four -stages sequence that citizens continually discuss questions of political principles and social policy.

Habermas considers that the basic liberal rights and democratic self-legislation limiting thus the political sphere only fulfills an instrumental role. The answer is that political liberties have an intrinsic moral value-political, because the basic liberal rights such as liberty of conscience, freedom of speech and thought, are not in a pre-political domain; non-public values are not viewed, as they might be in some comprehensive

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<sup>36</sup> Ibid, p.128.

<sup>37</sup> Ibid, pp,126-29

<sup>38</sup> Rawls, op cit, above note5, p.397

<sup>39</sup> Ibid, p.400



doctrine (such as rational intuitionism or natural law). “We assume the idea of a dualistic constitutional democracy found in John Locke in distinguishes the people’s constituent power to form, ratify and amend a constitution from the ordinary power of legislators and executives in everyday politics.”<sup>40</sup> The sequence of four steps believes that the liberties of modern are constitutional subject to the will of the people .Habermas pointed out that the Rawlsians, proposal the liberties of the moderns are a kind of natural law (as in Kant, on his interpretation) and, therefore, they are external substantive ideas that impose restrictions on public will of the people. Justice as fairness in the interpretation Rawlsians is a political conception of justice and, even taking a moral conception; it is not an instance of a doctrine of moral law. From this political conception of justice, freedom of the moderns do not impose restrictions on the constituent will of the people as objects to Habermas, in the light of justice as fairness is situated on a public basis of justification that seeks the overlapping consensus between reasonable comprehensive doctrines, from the public reason.

As shown at The idea of public reason revisited the idea of public reason is a constituent of a conception of constitutional democratic society well-ordered, because the form and content of this ratio are integral to the very idea of democracy, which is characterized by the idea reasonable pluralism, which allows an overlapping consensus (overlapping consensus) on the various comprehensive doctrines. Citizens should consider what kinds of reasons can create opportunities where common understandings are key policy questions at issue. Therefore,” I proposed that in public reason comprehensive doctrines of truth or right be replaced by an idea of the politically reasonable addressed to citizens as citizens.”<sup>41</sup>

The public reason specified in a deeper level the moral and political values which are integral to the relationship of a democratic constitutional government with its citizens, based on the criterion of reciprocity, characterized by “five different aspects: (i) the fundamental political question to which it applies;(ii) the persons to whom it applies( government officials and candidates for public office); (iii) its content as given by a family of reasonable political conceptions of justice;(iv) the application of these conception in discussions of coercive norms to be enacted in the form of legitimate law for a democratic people; and (v) citizen’s checking that the principles derived from their conceptions of justice satisfy the criterion of reciprocity.”<sup>42</sup>

The ideal of public reason is satisfied when members of the executive, legislators, judges, candidates (or even when citizens think of themselves as legislators) act on the idea of public reason, that is, explain to other citizens their reasons to support fundamental political positions because of the political conception of justice more reasonable, fulfilling “their duty of civility to one another and to other citizens.”<sup>43</sup> For Rawls, this duty of civility is not only a legal duty, but it is intrinsically a moral duty, as well as other duties politics. The idea of public reason is rooted in a conception of democratic citizenship that is part of a constitutional democracy, which entails consideration of citizens as free and equal that relate specifically to the basic structure of society from “the criterion of reciprocity requires that when those terms are proposed as the most reasonable terms are proposed as the most reasonable terms of fair cooperation.”<sup>44</sup> Hence, the idea of political legitimacy, based on reciprocity, states that our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions are sufficient and we think that other citizens might also reasonably accept those reasons.

<sup>40</sup> Ibid, pp.405-6

<sup>41</sup> RAWLS, J. 2001. The idea of public reason revisited. In: *The Law of Peoples*. Cambridge, Harvard University Press , p.132

<sup>42</sup> Ibid, p.133

<sup>43</sup> Ibid, p.135

<sup>44</sup> Ibid, p.136

The proper role of the criterion of reciprocity is to specify the nature of political relations in a democratic constitutional relationship of friendship as a civic (civic friendship), settling into a deeper level the basic political values, such as democratic citizenship and the idea of legitimate law for a deliberative democracy, because in deliberation, citizens exchange views and debate the reasons that have as part of public policy. "It is at this point that public reason is crucial. For it characterizes such citizens' reasoning concerning constitutional essentials and matters of basic justice."<sup>45</sup> It is for this reason that a citizen makes use of public reason after they decide on a reasonable political conception of justice from political values that can be endorsed by other free and equal citizens, meeting the criterion of reciprocity. Thus, the content of public reason and developed by a family of political conceptions of justice which are characterized by substantive principles of justice that "specify the religious liberties and freedoms of artistic expression of equal citizen, as well as the substantive ideas of fairness involving fair opportunity and ensuring adequate all -purposes, assuming the discursive conception of legitimacy (as in Habermas), as well as Catholic view of common good and solidarity when they are expressed in terms of political values."<sup>46</sup>

The political values are specified by liberal political conceptions of justice and fall within the category of politics, and "these political conceptions have three features: First, their principles apply to basic political and social institutions (the basic structure of society); Second, they can be presented independently from comprehensive doctrines of any kind (although they may, of course, be supported by a reasonable overlapping consensus of such doctrines); and Finally, they can be worked out from fundamental ideas seen as implicit in the public political culture of a constitutional regime, such as the conceptions of

citizen as free and equal persons, and of society as a fair system of cooperation."<sup>47</sup> So part of public reason is to make use of a political conception to discuss key policy issues. Thus, a political figure is only when the social form is itself political: when it is implemented in specific parts of the basic structure and its political and social institutions. The examples of political values are: (i) political autonomy, in contrast to moral autonomy, (ii) duty of mutual help and compassion not religious, (iii) ability and not deserving of moral worthiness, (iv) interest in family and human life in order to ensure the reproduction of society as opposed to a perfectionist view of human life and family.

The range of values to which we may appeal, according to Rawls, "is given by a family of political conceptions of justice," not just one conception, and therefore there are "many forms of public reason specified by a family of reasonable political conceptions."<sup>48</sup> The content of public reason consists in liberal values of political justice such as equal political liberty, equal opportunity, social equality, and liberal values of public reason such as guidelines for public inquiry (publicity, transparency), reasonableness and "a readiness to honor the duty of civility."<sup>49</sup> This range of values is bounded by the criterion of reciprocity.<sup>50</sup> People are reasonable in the sense specified by reciprocity when they are ready to propose principles and standards as fair terms of cooperation and abide by them willingly, given the assurance that others will likewise do so.

These are shows that, the role of public reason is to enable a strong commitment from everyone involved with the ideals and moral and political values of a democratic society, using as a starting point the criterion of reciprocity, which requires duty of civility, which implies the defense of the virtue of civic friendship and a the ideal of democratic citizenship

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<sup>45</sup> Ibid, p.139

<sup>46</sup> Ibid, p.141-42.

<sup>47</sup> Ibid, p.143

<sup>48</sup>Ibid, pp.140-41

<sup>49</sup> Rawls, op cit, above note5, p.224

<sup>50</sup> Rawls, op cit, above note42, p.14

that is based on the legitimate law, which means defending the Principles of toleration and liberty of conscience. The public reason set forth the common thread, specifying the type of grounds on which citizens base their political arguments to make political justifications to one another on constitutional essentials and basic elements of justice, specifying the conditions of political argument. The ideas of truth and correction based on comprehensive doctrines are replaced by the idea of the politically reasonable addressed to citizens as citizens, which means to affirm the value of public legitimacy, noting that these public conceptions of justice are “themselves intrinsically moral ideas,”<sup>51</sup> The public reason is the way to reason and deliberate publicly appealing to the shared values that are politically, “which specify the basic rights, liberties and opportunities of citizens in basic society’s structure”<sup>52</sup>

## Concluding Remarks

The public reason does not work with the ideas of truth or correctness that would be inferred from comprehensive doctrines, but rather, uses the idea of the politically reasonable that says moral values and political norms from the criterion of reciprocity, namely, the duty of civility, which implies the defense of civic virtue of friendship and an ideal of democratic citizenship, which is based on the legitimacy of the law, which means defending the principles of tolerance and freedom of conscience, ensuring the rights, freedoms and opportunities of the basic citizens in the basic structure of society.

What does this mean? Rawls would be taking a non-cognitivist position and anti-realism not to appeal to the idea of truth or correctness of moral judgments and political? We do not think this is the circumstance because, with the statement of the criterion of

reciprocity in a context of legal legitimacy, Rawls is setting an object reference to the multiplicity of conflicting moral judgments. It is clear that this objectivity is weaker than nurtured by the criteria of truth and correctness. However, identified the difficulty of an absolute basis, it would take for granted a stronger reason, the public reason Rawlsian provides guidance for determining the cognitive moral judgments, being stronger than any reasoning and weaker than a proper foundation. The objective criterion of reciprocity is built based on a common right of all citizens who take a strong public commitment to political ideals and values, enabling the construction of justice principles that establish the defense of equal liberty, fair equality of opportunities and difference.

Letter the statement of Rawls about the intrinsic value of the duty of civility and democratic ideal of citizenship, which means considering such duties as absolutes, as having an end in them, and not just as instrumental duties, such duties would its value given by an extrinsic purpose. Rawls would not be endorsing a pragmatic argument based on a Universalist intuitionism moderated, which would affirm the reality of moral duties, regardless of the diversity of political consciousness in a plural society, without, however, resort to a metaphysical reason that would allow the knowledge of good and affirmation of the truth of moral judgments? It seems that the method of public reason provides a pragmatic justification as possible for the overlapping consensus between reasonable comprehensive doctrines, setting in public policy based on reciprocity and also nurture a stronger justification in claiming substantial amounts to moral plurality. Thus, the criterion of objectivity is achieved for the justification of moral principles and judgments in a society characterized by moral diversity, implying a rejection of non-realism, antirealism and skepticism.

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<sup>51</sup> Ibid, p.174

<sup>52</sup> Ibid, p.180

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