

## Disagreement and the Duties of Citizenship

Japa Pallikkathayil

Political liberalism holds that some kinds of disagreement give rise to a duty of restraint. On this view, citizens ought to limit the considerations they invoke in political advocacy to those that meet a certain kind of publicity requirement. Many of the arguments for political liberalism's duty of restraint contain a grain of truth. But properly understood, these arguments instead support the duty of responsiveness, which directs citizens to respond to disagreement in a very different way than the duty of restraint recommends.

Political disagreement is a familiar feature of modern political life. We disagree with fellow citizens about issues as mundane as parking ordinances and as profound as the purpose of the political community itself. How ought a citizen with broadly liberal commitments living in a basically liberal state act in response to these disagreements when she is engaged in political advocacy?<sup>1</sup> Political liberalism holds that at least some kinds of disagreement give rise to a duty of restraint.<sup>2</sup> On this view, a liberal citizen ought to limit the considerations she invokes in political advocacy to those that meet a certain kind of publicity requirement. One might think the natural alternative to political liberalism is what I will call dogmatism. Dogmatism holds that the liberal citizen has no moral duty to shape the character of her political advocacy in a way that is responsive to the presence of disagreement. Instead, she may advocate for the laws she takes to be correct on the basis of whatever reasons she regards as compelling.<sup>3</sup> I am going to argue that many of the arguments for political liberalism's duty of restraint contain a grain of truth. But properly understood, these arguments instead support what I will call the duty of responsiveness.<sup>4</sup> The duty of responsiveness also directs citizens to be responsive to the presence of disagreement in their political advocacy, but in a very different way than the duty of restraint would recommend. The present discussion thus yields a conception of liberal citizenship that is both distinctive and attractive.<sup>5</sup>

## 1. Background

Before beginning, it is worth spelling out what I mean by ‘a citizen with broadly liberal commitments living in a basically liberal state’. This citizen accepts at least most of a familiar list of rights and affords them some priority over other kinds of considerations. For example, such a citizen does not think that freedom of religion may be compromised for the sake of economic efficiency. This citizen is genuinely and not merely strategically committed to these rights and their priority. That is, she does not see these rights as the best she can do given her limited political power, but would continue to endorse them even if she could successfully deny rights to others. The basically liberal state in which this citizen lives is one which mostly respects these rights and their priority in its institutions and laws.

Perhaps the description of the liberal citizen should include further commitments, like a commitment to some form of material provision for citizens. Here I focus on only the commitment to a collection of rights and their priority. But in doing so I do not take a stand on the core commitments of liberalism, and nothing in the argument that follows turns on this issue. I also do not consider why the liberal citizen is committed to a collection of rights and their priority, or, indeed, whether she ought to be. I adopt this methodology in order to argue for an alternative to political liberalism using argumentative resources that the political liberal must grant. Those who have methodological worries might take my conclusion to be a qualified one: To the extent that liberal commitments considered independently of their justification support any particular view of the duties of citizenship, they support an alternative to both dogmatism and political liberalism.

## 2. Three Conceptions of Citizens’ Duties With Respect to Disagreement

In this section, I describe three competing views of how the liberal citizen ought to respond to disagreement with her fellow citizens. Dogmatism provides a very natural starting place. The

duty of restraint and the duty of responsiveness are competing alternatives to dogmatism. After laying out these views, in Section 3 I will turn to the arguments political liberals give for the duty of restraint. Some of these arguments give us good reason to move beyond dogmatism. But I will argue that the duty of responsiveness actually better addresses the considerations these arguments raise.

## 2.1 Dogmatism

Dogmatism claims that the liberal citizen may advocate for the laws she takes to be correct on the basis of whatever reasons she regards as compelling. Suppose Jane has broadly liberal commitments because she believes that Kantian respect for persons requires protecting the familiar set of liberal rights and affording them a certain kind of priority. She becomes aware of the extensive corporate influence on the political process in her state and wonders whether corporations should be allowed to engage in the same kinds of political advocacy as individuals. Deciding this matter requires considering the purpose of the rights in question, like the right to freedom of speech, and whether those rights ought to be granted to corporations. Suppose Jane concludes that although Kantian respect requires extensive protection of freedom of speech for individuals, it does not similarly support extensive protection of corporate speech. She then advocates for limitations on corporate campaign contributions on the basis of this reasoning.

This seems like a very sensible strategy. Jane begins by considering all the reasons she takes to bear on the issue; the considerations she offers in support of her conclusion reflect exactly that reasoning. But now suppose Jane realizes that many of her fellow citizens are not committed Kantians. Instead, they approach political issues from a wide variety of other viewpoints. Disagreement about Jane's Kantian starting point raises two kinds of questions. First, Jane might wonder how this disagreement bears on her epistemic situation. Does the disagreement give her

reasons to revise her beliefs or decrease her confidence in them? There is an extensive literature on peer disagreement engaging with this question. I take no stand on this matter here. I am interested in a distinct question about the moral rather than the epistemic significance of disagreement.

Insofar as the Kantian remains committed to her view, does she have a moral duty to shape the character of her political advocacy in a way that is responsive to the presence of disagreement about her Kantian starting point? The dogmatist answers 'no' to this question.

## 2.2. The Duty of Restraint

Political liberalism holds that the justification for political institutions and laws must in some sense be acceptable to reasonable citizens. Reasonable citizens may disagree about which comprehensive doctrine, like utilitarianism or Kantianism, is correct. Political liberals therefore claim that potential justifications of political institutions and laws that are based on particular comprehensive doctrine will not meet the acceptability constraint. Instead, political institutions and laws must be justified on the basis of some set of public reasons that meet the acceptability constraint. This thesis about the character of justifiable political institutions and laws naturally suggests that citizens ought to obey the duty of restraint when they engage in political advocacy.<sup>6</sup> Citizens should not invoke their whole worldviews, like Kantianism or utilitarianism. Instead, citizens ought to limit the reasons they invoke in political advocacy to those that are properly public. Political liberals specify the nature of the publicity requirement in different ways. But as we go forward, it will be useful to have an example in view in order to be able to reflect more concretely on what abiding by the duty of restraint might look like.

On Rawls's view, the domain of properly public reasons is given by a family of reasonable political conceptions of justice. A political conception of justice has three features. First, its subject is the basic structure of a closed society.<sup>7</sup> Second, it is presented as freestanding, that is, it is not

identified with a comprehensive doctrine or presented as derived from one. Rawls says of this second feature:

[T]he political conception is a module, an essential constituent part, that fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it. This means that it can be presented without saying, or knowing, or hazarding a conjecture about, what such doctrines it may belong to, or be supported by.<sup>8</sup>

In other words, a citizen who endorses a political conception of justice may see that conception as bearing some relationship to her comprehensive doctrine. But the political conception can be understood without reference to this or any other comprehensive doctrine.

Third, Rawls claims that the content of a political conception of justice “is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society.”<sup>9</sup> This source of ideas is what enables the political conception to be freestanding. The ideas of citizens as free and equal and society as a fair system of cooperation are not tied to any particular comprehensive doctrine. So, a political conception based on these ideas is not necessarily tied to any particular comprehensive doctrine.

So, Rawls’s version of the duty of restraint – what he calls the duty of civility – is a duty to appeal only to a political conception of justice, and not to any comprehensive doctrine, in one’s political advocacy. Rawls qualifies this duty with a proviso: we may introduce “into political discussion at any time our comprehensive doctrine, religious or nonreligious, provided that, in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support.”<sup>10</sup> Someone might, for example, invoke her comprehensive doctrine in political discourse simply to demonstrate that she is genuinely and not merely strategically committed to the political conception of justice to which she has been appealing. But the reasons offered in political advocacy must be limited to those which can ultimately be seen to rest on a political conception of justice rather than on a particular comprehensive doctrine.

### 2.3 The Duty of Responsiveness

The duty of responsiveness is a duty to be responsive to the viewpoints of one's fellow citizens by taking what I will call the layered approach to justification. The first layer involves looking for shared commitments which could be used to justify the political decisions one supports. Although Jane seeks state action that reflects her Kantian commitments, she does not need to cite that starting point in every political context. Many laws and policies will be implications of liberal commitments that she shares with people who do not share her Kantianism. And so, when advocating for those laws and policies, she can reference those shared commitments, rather than the most fundamental reasons she has for her position. For example, suppose Bill is a utilitarian who has broadly liberal commitments, but has those commitments for reasons that differ significantly from Jane's. Instead of being concerned with respect, Bill is concerned with happiness. Since Jane and Bill are both committed to a liberal state, there are many issues on which she can address Bill without invoking Kantian respect. For example, Jane and Bill might have similar enough conceptions of freedom of speech to allow Jane to productively engage with Bill regarding certain kinds of legislation without ever needing to delve into the different reasons why they both affirm freedom of speech. Notice that Jane may share different commitments with different fellow citizens. Attempting to argue from shared commitments does not presuppose that there is a single body of reasons which all liberal citizens will necessarily recognize.

The second layer of the layered approach to justification involves responding more directly to the differing starting points of citizens with whom no shared commitments on the relevant issue can be found. Since Jane and Bill affirm freedom of speech on different grounds, there may be issues on which their conceptions of freedom of speech do not fully align. In this case, they lack a shared point of view from which they could deliberate together about how to specify the content of

freedom of speech more precisely. But Jane can still meaningfully engage in political discourse with Bill. She can do this by trying to understand his commitments and the argumentative resources they contain. Here Jane takes seriously his viewpoint and tries to work within it to see if support for the positions she favors can be found within his outlook. She might consider whether there are utilitarian arguments that support her favored conception of freedom of speech, or whether there are utilitarian arguments that might indirectly support the specific legislation she endorses.

Notice three important aspects of the type of constructive engagement with others' views that the duty of responsiveness supports when shared commitments are unavailable. First, the liberal citizen's engagement with another's viewpoint—her taking up of the other's outlook for purposes of discussion—must be transparent and made in good faith. That is, she must be clear that she is temporarily operating with commitments with which she disagrees for the sake of argument, but also that the arguments she is advancing are ones she takes to be genuinely good arguments given those starting points. If she does not make her arguments transparently and in good faith, her interventions are likely to be perceived as manipulative rather than constructive. Second, notice that the liberal citizen must be open to similar forms of engagement from her fellow citizens. They may also attempt to consider the issues from her point of view, and she should take that engagement seriously.

Finally, notice that it is possible for the liberal citizen to take this approach to fellow citizens whose basic political orientation is not fully or even mostly liberal. Her shared commitments with such citizens will run out very quickly. But some profoundly illiberal views may have argumentative resources that can be used to support sound laws and policies in certain domains. For example, a view that is hostile to some of the core liberal rights might still be able to yield what a particular liberal citizen regards as the correct conclusions about the environment. A liberal citizen's engagement with an illiberal worldview must be delicately undertaken so as not to legitimize or

condone the illiberal elements of the view. I will return to this issue in Section 4. For now it suffices to observe that constructive engagement with illiberal views is an open possibility.

The final layer of the layered approach to justification involves treating citizens' fundamental commitments as open to scrutiny. In a given case, Jane may not find any shared commitments from which to argue, nor any argumentative resources to support her preferred political position within another's worldview. But even this does not foreclose the possibility of meaningful political discourse with such a person. If Jane advocates for a political position on the basis of her Kantian commitments, one way of engaging in political discourse with her is to argue against those very commitments. So, suppose Bill challenges Jane's Kantian commitments by challenging her derivation of the rational requirement to respect persons. Here he is challenging the political decision Jane supports on the basis of her view about respect by challenging that very view. In this way, Jane and Bill can respond to each other's viewpoints even though they approach political issues from the vantage point of very different fundamental commitments.

So, the layered approach to political advocacy identifies three potential ways of responding to the different viewpoint of another. One can provide arguments premised on shared commitments, arguments that proceed from within the other's worldview, or arguments that challenge that worldview itself.

### 3. Arguments for The Duty of Restraint

In this section I consider four arguments political liberals give for the duty of restraint. I will argue that the first of these arguments, the argument from coercion, is simply mistaken. But the remaining three arguments highlight plausible reasons for resisting dogmatism. When these considerations are properly understood, however, they support the duty of responsiveness rather than the duty of restraint.

### 3.1 The Argument from Coercion

Political liberals sometimes try to motivate the duty of restraint via reflection on the coercive nature of political institutions and laws.<sup>11</sup> The basic idea here is that one should not be subjected to coercion unless one can appreciate the reasons why one is being coerced. On the face of it, this is a puzzling argumentative strategy because it seems to presuppose a particular understanding of the moral status of coercion, an understanding that is likely to be the subject of disagreement even among reasonable people, however we understand what reasonableness comes to.<sup>12</sup>

Despite the regular references to the problem posed by the coercive nature of state action, political liberals tend to be surprisingly quiet about why exactly coercion is morally problematic. But Charles Larmore provides a helpful discussion which I am going to use to draw out the controversial nature of the presuppositions about coercion being made. Larmore describes the wrong of coercion as consisting in the wrong of treating a person merely as a means. As Larmore acknowledges, it cannot be coercion as such that treats people merely as a means because then all state coercion would be wrong. Instead, he claims that one treats another merely as a means if one does not engage her distinctive capacity as a person to think about and act on reasons. And so he concludes: “To respect another person as an end is to insist that coercive or political principles be as justifiable to that person as they are to us.”<sup>13</sup> This is supposed to support a duty of restraint, because a coercive principle justified on the basis of an unshared worldview would not be as justifiable to those who do not share that worldview as it is to the view’s adherents.

Consider the way in which Larmore’s argument seems to rely on considerations about which reasonable people could disagree, however we specify what reasonableness comes to. He begins by taking it for granted that the feature of us that is of primary importance is our capacity for reasoning, as opposed, say, to our capacity for pleasure and pain. This is precisely the kind of claim that the

political liberal identifies as subject to reasonable disagreement. It seems, then, that the argument from the moral problem with coercion to a duty of restraint may be self-undermining because it relies on considerations that the duty of restraint rules out of bounds.

One might object that this argument is too quick. The duty of restraint is a moral duty rather than a legal duty. As such, it is not itself coercively enforced. So even if the duty of restraint can be justified only on the basis of an unshared worldview, this does not mean that coercion is being justified on the basis of an unshared worldview.

But notice that those who are engaged in political advocacy are attempting to direct the coercive power of the state. When Jane advocates for limiting corporate campaign contributions, she is advocating that the state make certain actions illegal, thereby coercively preventing them. The duty of restraint directs Jane to dismiss the arguments of various unshared worldviews as irrelevant. For this reason, if the justification for the duty of restraint must ultimately rest on an unshared worldview, the way in which citizens who endorse that duty attempt to direct the coercive power of the state will likewise be based at least in part on an unshared worldview.

It is clear how this objection can be generalized beyond Larmore's particular argument. It is difficult to characterize the moral objection to coercion without invoking some larger picture of what matters about people and their relationships. And these are matters about which reasonable people can disagree. So it is hard to see how a concern about coercion could ground the duty of restraint.

### 3.2 The Argument from Respect

Political liberals sometimes try to motivate the duty of restraint through reflection on what is required to respect one's fellow citizens. These arguments are often more specifically about what one must do to respect a fellow citizen while subjecting her to coercion through political institutions

and laws. And I have just argued that a concern about coercion cannot motivate the duty of restraint. But it is worth considering whether respect might more directly ground this duty.<sup>14</sup>

The dogmatist holds that the views of fellow citizens about how they ought to be treated simply make no difference to how they ought to be treated. It is important to see that this does not mean that the dogmatist fails to display any kind of respect for her fellow citizens. The liberal citizen who espouses dogmatism is still genuinely and not merely strategically committed to the protection of the familiar liberal rights. So she does maintain that there are substantial constraints on how she may interact with her fellow citizens. It is just that their own views on these matters are irrelevant to her.

Consider this situation more concretely. Suppose that Bill reaches a different conclusion regarding corporate campaign contributions than Jane does. He thinks that limiting them improperly restricts freedom. Jane thinks that precisely because Bill is worthy of respect, he is entitled to considerable freedom of speech. However, Jane takes Bill's own views on the contours of this right to be mistaken and so irrelevant to the issue at hand. In this case, Jane displays respect for Bill in certain ways. But at the same time, she treats Bill as the passive recipient of her legislative agenda rather than as a co-legislator. And this seems to be in tension with fully respecting him as a fellow citizen.

The duty of restraint offers one way of capturing the missing component of respect in the dogmatist's interactions with her fellow citizens. If the liberal citizen abides by the duty of respect, the views of her fellow citizens about political institutions and laws will make a practical difference to which laws and policies she advocates for, or at least to the considerations she advances in favor of those laws and policies. She will appeal only to reasons that people with different reasonable worldviews can recognize as appropriate to the political context. Recall that in Rawls's version of political liberalism, the content of public reason is drawn from ideas inherent in the public political

culture of a liberal democracy, like the idea that citizens are free and equal. In this way, observing the duty of restraint would ensure that citizens are not compelled to abide by political decisions that can be justified only through an unshared worldview. Instead, all political decisions would be justified through reasons that all reasonable citizens could appreciate as appropriate to the political context.

But this way of taking the views of one's fellow citizens to be practically relevant comes at a cost. By taking some kinds of disagreement off the table, the duty of restraint may obscure the source of the disagreement that remains. It is still possible for a citizen to disagree with an argument advanced in public reason even if she thinks that the considerations being invoked are not unreasonable ones. But those who hold themselves to the duty of restraint may lack the resources to explain to their fellow citizens why they interpret differently considerations that they agree satisfy the publicity requirement. If Jane, the Kantian, and Bill, the utilitarian, observe the duty of restraint, they will each have developed a view of politics that they can express independently of their particular worldviews, and they will limit themselves to that political conception in their political discussions. But they will thereby be unable to recognize the source of their disagreement about campaign finance law since that disagreement stems from their distinct Kantian and utilitarian reasons for endorsing freedom of speech. In this way, the duty of restraint limits the possibility of reasoning together with one's fellow citizens. For this reason, the case for the duty of restraint based on respect is at best mixed.

Contrast this situation with a respect-based argument for the duty of responsiveness. The first two layers of the layered approach to justification take seriously the particular viewpoints of others as worthy of consideration. And the final layer in which these viewpoints are themselves subjected to scrutiny acknowledges that citizens are not defined by their viewpoints but instead able to critically evaluate them. In both of these ways, the layered approach to justification involves

treating one's fellow citizens as active participants in political discourse, thereby expressing appropriate respect for them. All citizens have a political voice, even if they lack political power. Responsiveness thus demonstrates respect for those whose starting points we do not share.

To sum up: dogmatism fails to express full respect for one's fellow citizens as active participants in the political process. The duty of restraint addresses this problem by requiring that citizens appeal in their political advocacy only to considerations that fellow reasonable citizens can recognize as appropriate to the political context even if they have differing comprehensive doctrines. But the duty of restraint does this in a way that makes it difficult to address fundamental points of disagreement. The duty of responsiveness is able to identify a way of treating the viewpoints of one's fellow citizens as practically relevant without this cost. In this way, the duty of responsiveness is better able to reflect what respect for one's fellow citizens requires.

### 5.3 Stability for the Right Reasons

One of the concerns motivating Rawls's commitment to political liberalism has to do with how a liberal society can be stable over time.<sup>15</sup> Under free institutions, citizens are likely to adopt many different overall worldviews. If the justification of such a society's main political institutions and most fundamental laws were tied to a particular worldview, citizens who did not share that worldview would not be able to genuinely endorse those institutions and laws. Such a society will have difficulty maintaining stability for the right reasons, that is, stability because citizens are genuinely and not merely strategically committed to its institutions and laws.

The duty of restraint responds to this problem by excluding comprehensive worldviews from the justification of the state's political institutions and laws. The only reasons that may be invoked in political discourse are those that meet a publicity requirement and can therefore be

legitimately addressed to citizens who have different worldviews. Thus citizens with different worldviews can genuinely endorse the state's political institutions and laws.

Notice, though, that the duty of responsiveness also defuses the worry about stability for the right reasons. The citizen who respects this duty uses arguments which rest on shared premises, or she engages directly with the argumentative resources contained within her fellow citizens' worldviews. In these ways, she invites genuine and not merely strategic commitment to her society's main political institutions and most fundamental laws on the part of those who do not share her worldview.

But what about the occasions on which she finds that only her own worldview justifies the political decision she regards as correct? Here she must acknowledge that others will not recognize those laws as justified. But anyone genuinely committed to a participatory government recognizes the possibility that some of the laws implemented will be ones she thinks incorrect. So this alone should not shake a citizen's commitment to the institutions and laws as a whole.

Still, why not insist on the more decisive resolution to the problem of stability that the political liberal has on offer? The publicity requirement that helps political liberalism address the issue of stability also has costs in terms of stability. The duty of restraint may work to alienate rather than integrate those with illiberal views. A political culture that embodies the duty of restraint simply ignores those with illiberal views.<sup>16</sup> But there is no reason to think that this will cause those views to disappear. On the contrary, a shared sense of alienation may unite those with illiberal positions and deepen their commitment to them. In contrast, a political culture that embodies the duty of responsiveness encourages citizens to actively engage those with illiberal views. This provides a way of demonstrating to such citizens the virtues of participatory government by including them in it. In this way, the duty of responsiveness has more resources to support the kind

of genuine commitment to liberal political institutions and laws which is required for stability for the right reasons.

### 3.4 Civic Friendship

Next let us take a look at an argument for the duty of restraint that focuses on the nature of the relationship between citizens. Rawls suggests that these relationships ought to realize an ideal he calls civic friendship. Consider Kyla Ebels-Duggan's helpful gloss on what this ideal involves: "In friendships, we characteristically act co-operatively as equals, rather than trying to manipulate or control one another... we realize the ideal of civic friendship if we exercise the power of the state co-operatively with all reasonable citizens."<sup>17</sup>

One might think that commitment to a participatory form of government supports regarding political decision-making as a cooperative enterprise. Think of the slogan that democracy is rule by the people. And one might think the duty of restraint will facilitate cooperation among citizens, by providing them with a set of reasons they can appeal to despite their different worldviews.

Let us distinguish different ways in which the relationship between citizens could be cooperative. Unanimous decision making would be the strongest form of cooperative relationship. But participatory government recognizes unanimity as generally unachievable. In place of unanimity, participatory government implements a decision procedure for adjudicating between different views, such as allowing a vote to decide the matter. Citizens cooperate with one another insofar as they affirm these decision procedures.

If the only alternative to political liberalism were dogmatism, adherence to the duty of restraint might seem necessary in order to facilitate genuine commitment to participatory decision-making procedures. But as we saw when evaluating the worry about stability for the right reasons, adherence to the duty of responsiveness also encourages genuine and not merely strategic

commitment to the state's main political institutions. So we do not need to go so far as the duty of restraint to realize the cooperative ideal involved in participatory government.

One might however think that there is another kind of cooperation among citizens which the duty of restraint is uniquely able to support. Citizens who observe the duty of restraint might be thought to exhibit a kind of reciprocity in their deliberations. They introduce only reasons that they think their fellow citizens can recognize as appropriate to the political context. In this way, it might be thought that citizens who obey the duty of restraint go beyond treating political decision-making as a cooperative enterprise. They also treat political deliberation this way. I am going to argue, first, that this ideal of deliberative cooperation is misguided and, second, that the plausible ideal in the neighborhood is one that the duty of responsiveness more fully realizes.

In order to truly deliberate cooperatively, it would be necessary not merely to limit oneself to considerations that are of the sort that one's fellow citizens can in principle recognize, but to limit oneself to the considerations that they do recognize. Suppose for example that Jane introduces a reason that meets the publicity requirement. That means that if Bill is also committed to the duty of restraint he will be able to recognize this reason as the right kind of reason to consider. But that does not yet ensure that he will think this reason actually bears on the question at hand in the way that Jane does. He may, for example, think that Jane is over- or underestimating the significance of the reason relative to other considerations. So long as there is this divide in their viewpoints, they will still not be deliberating together. And so full deliberative cooperation is out of reach even if they obey the duty of restraint. I think this reveals a way in which that ideal was unrealistic to begin with, a holdover from attraction to unanimity in politics.

But there is something in the neighborhood of deliberative cooperation that remains attractive as an ideal. This is an ideal that depicts political discourse as responsive to the viewpoints of participants. The duty of responsiveness directs us to take seriously the viewpoints of others. In

this way, the duty of responsiveness embodies a different kind of reciprocity. We regard ourselves as mutually required to respond to the viewpoints of others in some way or another. Since the duty of responsiveness actually makes this possible in all circumstances and with all citizens, the duty of responsiveness is able to more fully realize this ideal than the duty of restraint.

#### 4. Objections and Replies

It is worth considering two potential objections to the duty of responsiveness before we close. First, it might seem that the duty of responsiveness would be overly burdensome, perhaps even unworkable. Many people have not thought deeply and systematically about their own most fundamental commitments, let alone those of others. So the sort of responsiveness I have described seems to be asking quite a lot of people. This may simply be more than the average citizen can be expected to undertake.

Consider three responses to this worry. First, it is important to recall that one layer of the layered approach to justification involves arguing on the basis of shared commitments. In a well-established liberal state, many people may have shared commitments to liberal institutions and laws from which arguments can be given. So a considerable amount of political discourse may not actually require reaching beyond one's own point of view. Second, to the extent that citizens have worked-out overall viewpoints, these will tend to be viewpoints with a recognizable intellectual history. So when a citizen attempts to work within another's viewpoint, or challenge its foundational claims, there will likely already be a well-developed body of argumentative resources to draw on. There is no need for each citizen to reinvent the wheel. Third, there is no reason to think that citizens must satisfy the duty individually, and entirely independently of other citizens. Likeminded citizens can work together to engage with others who have different starting points. Finally, though, it is worth acknowledging that even with these caveats, the duty of responsiveness

requires an awareness of others' views and an openness to taking them seriously that most citizens in liberal states do not currently have. So even though I do not think that a duty of responsiveness need be overly burdensome or unworkable, it is still a demanding duty: acknowledging it would require a fairly significant transformation of the political culture in the liberal states with which we are familiar. To those who worry that this is still asking too much of us, I suggest that there is no reason to think that maintaining respect in the face of deep disagreement about our most fundamental commitments should be easy.

A second objection might be the concern that including illiberal viewpoints in political discourse will inadvertently give them respectability. As I indicated earlier, constructive engagement with an illiberal view needs to be undertaken delicately, so as to avoid this. An overall illiberal view might have three different kinds of argumentative resources: the illiberal commitments themselves, commitments that are not especially liberal but not hostile to liberalism, and liberal commitments. The liberal citizen has good reason not to adopt illiberal commitments for the sake of argument, even temporarily. It would be absurd, for example, to suggest that the liberal citizen should engage with white supremacists by arguing that her preferred policies would actually have a negative impact on certain racial minorities. This kind of argument is actively in tension with the liberal citizen's liberal commitments. But even worldviews that are mostly illiberal may have some commitments that are not hostile to liberalism and some that even positively cohere with core liberal values. And these are the argumentative resources that the liberal citizen can deploy in constructive engagement with those illiberal citizens.

One might still worry that invoking even the more liberal components of an overall illiberal view lends credibility to the view as a whole. Here it is important to underline that the constructive engagement layer of the layered approach to justification operates in tandem with the layer that scrutinizes the worldviews themselves. The liberal citizen is trying to determine how much common

ground can be found with her illiberally inclined compatriots. But she ought simultaneously to push them to answer objections to the fundamental commitments of their views. In this way, the liberal citizen can constructively engage with a citizen who holds an overall illiberal view, while unequivocally rejecting the view itself. Moreover, we should not envision the liberal citizen as mechanically moving through the different modes of responsiveness, with no thought to how her arguments are being received. The particular layer of justification that the liberal citizen takes up at any given time should be sensitive to the current state of political discourse in her community.

## 5. Conclusion

I have examined four arguments for the duty of restraint. The first argument, the argument from coercion, simply does not work: it relies on the very kinds of considerations that the duty of restraint prohibits citizens from invoking in political discourse. But the next three arguments do succeed in putting pressure on dogmatism. First, dogmatism does not adequately show respect for those with whom one disagrees. Second, stability for the right reasons is difficult to achieve if we tie the justification for political institutions and laws to our unshared worldviews. And, finally, an ideal of citizens deciding on political actions together cooperatively is difficult to realize if one only offers one's fellow citizens reasons that they do not recognize. But in all three cases, the duty of responsiveness actually does a better job of responding to the problem posed by dogmatism than does the duty of restraint. In this way, the duty of responsiveness provides an attractive alternative to both dogmatism and political liberalism.

*University of Pittsburgh*

---

### Notes

I am indebted to Kyla Ebels-Duggan and Michael Joel Kessler for discussion of the arguments in this paper, and to Sarah Stroud and Michele Palmira for detailed feedback on an earlier draft. I am also grateful for questions from the audience at the Pittsburgh Area Philosophy Colloquium.

---

<sup>1</sup> Citizens engage in political advocacy when they support particular laws, candidates, or platforms by campaigning for them or otherwise publicly expressing their support. Such advocacy need not involve official affiliation with any political organization.

<sup>2</sup> I borrow the label 'duty of restraint' from Christopher J. Eberle, Religious Conviction in Liberal Politics (Cambridge: Cambridge University Press, 2002).

<sup>3</sup> Critics of political liberalism are not always clear about what conception of the duties of citizens they endorse instead. But for one potential example of what I am calling dogmatism, see William A. Galston, Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State (New York: Cambridge University Press, 1991), p. 109.

<sup>4</sup> The duty of responsiveness has much in common with Eberle's ideal of conscientious engagement. See Eberle, Religious Conviction in Liberal Politics. But the arguments I give for the duty of responsiveness and against the duty of restraint differ significantly from Eberle's.

<sup>5</sup> Elsewhere I argue against political liberalism's claim that legitimate state action requires public justification. See Japa Pallikkathayil, "Neither Perfectionism nor Political Liberalism," Philosophy & Public Affairs, vol. 44, no. 3 (2016) pp. 171-196. But rejecting this view of legitimate state action does not yet settle whether individual citizens have a duty to shape the character of their political advocacy in a way that is responsive to disagreement and, if so, how. Here I argue that citizens do have such a duty, though it differs in important ways from political liberalism's duty of restraint.

<sup>6</sup> Consider Rawls's characterization of the relationship between his versions of the acceptability constraint and the duty of restraint: "[O]ur exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in light of the principles and ideals acceptable to them as reasonable and rational. This is the liberal principle of legitimacy. And since the exercise of political power itself must be legitimate, the ideal of citizenship imposes a moral, not a legal, duty – the duty of civility – to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason." John Rawls, Political Liberalism: Expanded Edition, (New York: Columbia University Press, 2005), p. 217.

<sup>7</sup> A closed society is one that is self-contained and has no relations with other societies. Rawls describes this as "a considerable abstraction, justified only because it enables us to focus on certain main questions free from distracting details." Rawls, Political Liberalism, p. 12.

<sup>8</sup> Rawls, Political Liberalism, pp. 12-13.

<sup>9</sup> Rawls, Political Liberalism, p. 13.

<sup>10</sup> John Rawls, "The Idea of Public Reason Revisited," The University of Chicago Law Review, vol. 64, no. 3 (1997), pp. 765-807 at p. 776.

<sup>11</sup> In "Neither Perfectionism nor Political Liberalism," I argue that Kantian views are better able than political liberalism to capture what is most intuitively problematic about coercion. Here I give an internal critique of political liberalism's claims about coercion.

<sup>12</sup> For a similar objection to political liberalism, though one that focuses more directly on the acceptability constraint on political justification than on the associated duty of restraint, see Steven Wall, "Is Public Justification Self-Defeating?" American Philosophical Quarterly, vol. 39, no. 4 (2002), pp. 385-394.

<sup>13</sup> See Charles Larmore, The Morals of Modernity (Cambridge: Cambridge University Press, 1996), p.137.

<sup>14</sup> For a detailed discussion and helpful critique of arguments for the duty of restraint that are based on respect, see Eberle, Religious Conviction in Liberal Politics, pp. 109-151.

<sup>15</sup> Rawls, Political Liberalism, p. 4.

<sup>16</sup> As discussed in Section 2.2, Rawls attaches a proviso to the duty of restraint that allows citizens to introduce their comprehensive doctrines in political discourse under certain circumstances. The proviso treats reasons framed in terms of a comprehensive doctrine as at best placeholders, and so does not do much to invite into political discourse those who do not recognize the duty of restraint.

<sup>17</sup> Kyla Ebels-Duggan, "The Beginning of Community: Politics in the Face of Disagreement," The Philosophical Quarterly, vol. 60, issue 238 (2010), pp. 50-71 at pp. 55-56.