Reasonable Disagreement and Political Argument

Optional Subject for the MPhil in Politics: Political Theory
Hilary Term 2024

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Seminars: Wednesdays, 9:05-11:05; Lecture Room A, Magdalen College

Course description

The overarching theme of this course is the question of how normative political theories should accommodate moral, religious, and philosophical disagreement. Many political theorists believe that the fact of pervasive *reasonable disagreement* has important implications for how we structure and justify our political institutions. Indeed, some hold that the need to respond to reasonable disagreement is what makes political theory a distinctive domain of normative inquiry.

Political liberals hold that the exercise of political power must be justified to all citizens by reasons that they can accept. They think that it is impermissible for the state to act solely on the basis of values or ideals over which there is reasonable disagreement: the state must be neutral, in some sense, between the reasonable views about the good life held by citizens. Many also hold that this view has implications for citizens' own political advocacy: perhaps they must refrain from supporting laws or policies on the basis of their disputed ideas about the good. Perfectionists reject these political liberal claims, and argue that the state can promote particular ideas about the good, even when these are subject to reasonable disagreement. This debate will be the focus of the first half of the course. We will examine the idea of political liberalism, what might justify such a view, and variants within this tradition, as well as considering objections to it. We will then consider the perfectionist alternative, and whether perfectionist policies can be acceptable despite reasonable disagreement.

The second half of the course explores the implications of reasonable disagreement, and the appropriate response to it, with respect to various practical policy questions. We will cover the justification and value of democracy, the acceptability of judicial review, the place of religion within public life, gender equality, marriage, civic education, and the upbringing of children. In each case we will consider what political liberals might have to say about these issues, and what kinds of policies might or might not be legitimate given the existence of reasonable disagreement.

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[1] This syllabus was originally co-written with Anthony Taylor, and so I owe thanks to Tony for all his help.

Course delivery

The course will be taught in eight two-hour seminars. Students will be required to give presentations over the course of the term, and to produce an essay of around 2,500 words, due at the end of 9th week.

Seminar presentations should be around 10 minutes long (certainly no more than 15 minutes). They should not simply offer summaries of the various readings – everyone should have done that reading, after all! – but should instead draw on those readings in order to make an argument with respect to that week's topic, and to raise questions that we might want to discuss during the seminar.

Assessment

Students will sit a three-hour written examination in Trinity Term.

A note on readings

My expectation is that you will come to class each week having completed all of the essential reading. I would strongly advise reading them in the order that they are listed.

The further reading is provided to enable you to delve deeper into the topics that most interest you, especially when you come to revise for the exam. There is a lot of further reading, and I certainly don't expect you to read all of it (even for the exam). Instead, view it as a resource that is there for you to draw upon based on your interests.

With just a few exceptions, all of the essential readings are available online via SOLO (as are most of the further readings). If you struggle to locate any item then please do get in touch.

Weekly reading lists

1. **Reasonable Disagreement and Rawls's Political Liberalism**

This week we introduce the ideas of reasonable disagreement and political liberalism, primarily focusing on John Rawls's articulation of the view.

As an introduction to the course, we start with Charles Larmore's argument that political philosophy is a distinctive discipline due to the need to respond to reasonable disagreement. Andrew Lister's short paper then gives a summary of Rawls's idea of reasonable disagreement and how it shapes his theory, as a way into reading Rawls himself. Finally, Jonathan Quong identifies two different interpretations of political liberalism, arising from divergent understandings of the nature of reasonable disagreement.

I am assuming some prior knowledge of Rawls's views here, based on your study of 'democracy and public reason' during the first year Michaelmas core course. Please refresh your memory of the sections of *Political Liberalism* that you read for that course (i.e. Lectures I, IV & V), as well as reading the items listed as essential below.

The further readings offer additional explorations of Rawls's political liberalism and some other theorists' accounts of the implications of moral disagreement for political legitimacy.

Essential reading:

Charles Larmore, "What is Political Philosophy?" *Journal of Moral Philosophy*, 10(3) (2013), especially pp. 276-297.

Andrew Lister, "Reasonable Pluralism," in Jon Mandle and David A. Reidy (eds.), *The Cambridge Rawls Lexicon* (CUP, 2015).

John Rawls, *Political Liberalism*, expanded edition (Columbia UP, 2005), "Introduction to the Paperback Edition" & Lecture II, §§2-3.

---, "The Idea of Public Reason Revisited," *The University of Chicago Law Review*, 64(3) (1997). Reprinted in *Political Liberalism*, expanded edition.

Jonathan Quong, *Liberalism Without Perfection* (OUP, 2011), chapter 5.

Further reading on Rawls's political liberalism:

Martha Nussbaum, "Introduction," in Thom Brooks and Martha C. Nussbaum (eds.), *Rawls's Political Liberalism* (Columbia UP, 2016).

Joshua Cohen, "A More Democratic Liberalism," *University of Michigan Law Review* 92(6) (1994).

----, "Pluralism and Proceduralism," *Chicago-Kent Law Review*, 69(3) (1994).

Paul J. Weithman, "Legitimacy and the Project of Political Liberalism," in in Thom Brooks and Martha C. Nussbaum (eds.), *Rawls's Political Liberalism* (Columbia UP, 2015).

Charles Larmore, "Public Reason," in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (CUP, 2003).

Burton Dreben, "On Rawls and Political Liberalism," in Freeman (ed.), *Cambridge Companion to Rawls*.

Further reading on reasonable disagreement, liberalism, and legitimacy:

Paul Billingham and Anthony Taylor, "A Framework for Analyzing Public Reason Theories", *European Journal of Political Theory*, 21(4) (2022).

Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy & Public Affairs*, 16(3) (1987).

Jeremy Waldron, "Theoretical Foundations of Liberalism," *The Philosophical Quarterly*, 37(147) (1987).

Ronald Dworkin, "Liberalism," in his *A Matter of Principle* (Clarendon Press, 1986).

Joshua Cohen, "Moral Pluralism and Political Consensus," in David Copp, Jean Hampton and John E. Roemer (eds.), *The Idea of Democracy* (CUP, 1993). Reprinted in Cohen, *Philosophy, Politics, Democracy: Selected Essays* (HUP, 2009).

Brian Barry, *Justice as Impartiality (A Treatise on Social Justice, Vol. 2)* (OUP, 1995), pp. 160-177.

Matt Matravers and Susan Mendus, "The Reasonableness of Pluralism," in Catriona McKinnon and Dario Castiglione (eds.), *The Culture of Toleration in Diverse Societies: Reasonable Tolerance* (Manchester UP, 2003).

2. Why Political Liberalism?

Why should we respond to reasonable disagreement by endorsing political liberalism? What ultimately grounds the political liberal view, and its claims regarding public justification and public reason? This week we consider three responses to this question, and some central objections to the political liberal project.

Charles Larmore argues that *respect* is the moral basis of political liberalism. Rawls himself said that his turn to political liberalism was motivated by concerns regarding the *stability* of a society regulated by his principles of justice; Anthony Taylor defends this motivation. Andrew Lister endorses a third view, that public reason is justified by the way it realizes a distinctive kind of political community, characterized by *civic friendship*.

David Enoch presents a trenchant critique of the whole project of political liberalism, on the grounds that the idealization involved in specifying its notion of 'reasonable' disagreement is inconsistent with the view's apparent rationale. Jonathan Quong considers a different problem: that there seems to be just as much reasonable disagreement about justice as about the good. He rejects several possible responses to this 'asymmetry objection', before defending his own distinctive reply.

The further readings contain more pieces that present and evaluate the respect, stability, and civic friendship justifications for political liberalism, and a group of readings that press the asymmetry and self-defeat objections against the view.

Essential reading:

Charles Larmore, "The Moral Basis of Political Liberalism," *The Journal of Philosophy*, 96(12) (1999), especially pp. 599-611.

Anthony Taylor, "Stability, Autonomy, and the Foundations of Political Liberalism," *Law and Philosophy*, 41(5) (2022).

Andrew Lister, *Public Reason and Political Community* (Bloomsbury Academic, 2013), chapter 5.

David Enoch, "Against Public Reason," in David Sobel, Peter Vallentyne, and Steven Wall (eds.), *Oxford Studies in Political Philosophy: Volume I* (OUP, 2015).

Jonathan Quong, *Liberalism Without Perfection* (OUP, 2011), chapter 7.

Further reading on respect:

Martha Nussbaum, "Perfectionist Liberalism and Political Liberalism," *Philosophy & Public Affairs*, 39(1) (2011).

Christopher J. Eberle, *Religious Conviction in Liberal Politics* (CUP, 2002), chapters 4-5.

Charles Larmore, "Political Liberalism," *Political Theory*, 18(3) (1990).

Colin Bird, "Mutual Respect and Neutral Justification," *Ethics*, 107(1) (1996).

James W. Boettcher, "Respect, Recognition and Public Reason," *Social Theory and Practice*, 33(3) (2007).

----, "The Moral Status of Public Reason," *The Journal of Political Philosophy*, 20(2) (2012).

Han van Wietmarschen, "Political Liberalism and Respect," *The Journal of Political Philosophy*, 29(3) (2021).

Further reading on stability:

John Rawls, *Political Liberalism*, expanded edition (Columbia UP, 2005), lecture IV.

Samuel Freeman, *Justice and the Social Contract* (OUP, 2007), chapters 5 & 6.

John Rawls, *A Theory of Justice*, revised edition (Harvard UP, 1999), chapters 8 & 9.

Brian Barry, "John Rawls and the Search for Stability," *Ethics*, 105(4) (1995).

Gerald Cohen, *Rescuing Justice and Equality* (HUP, 2008), pp. 327-330.

Larry Krasnoff, "Consensus, Stability, and Normativity in Rawls's Political Liberalism," *The Journal of Philosophy*, 95(6) (1998).

Paul J. Weithman, *Why Political Liberalism? On John Rawls's Political Turn* (OUP, 2010).

----, 'Stability and Congruence', *The Oxford Handbook of the Philosophy of John Rawls* (forthcoming) (available from me on request).

Further reading on civic friendship:

R.J. Leland, "Civic Friendship, Public Reason," *Philosophy & Public Affairs*, 47(1) (2019).

Paul Billingham, "Does Political Community Require Public Reason? On Lister's Defence of Political Liberalism," *Politics, Philosophy & Economics*, 15(1) (2016).

RJ Leland and Han van Wietmarschen, "Political Liberalism and Political Community," *Journal of Moral Philosophy*, 14(2) (2017).

Kyla Ebels-Duggan, "The Beginning of Community: Politics in the Face of Disagreement," *The Philosophical Quarterly*, 60(238) (2010).

Paul Billingham and Anthony Taylor, "Can Civic Friendship Ground Public Reason?", *The Philosophical Quarterly*, 74(1) (2024).

Further reading on objections to political liberalism:

Simon Caney, "Liberal Legitimacy, Reasonable Disagreement and Justice," *Critical Review of International Social and Political Philosophy*, 1(3) (1998).

Zofia Stemplowska and Timothy Fowler, "The Asymmetry Objection Rides Again," *Journal of Applied Philosophy*, 32(2) (2015).

Cécile Laborde, *Liberalism's Religion* (HUP, 2017), pp. 92-110.

Japa Pallikkathayil, "Neither Perfectionist nor Political Liberalism," *Philosophy & Public Affairs*, 44(3) (2016).

Steven Wall, "Is Public Justification Self-Defeating?" *American Philosophical Quarterly*, 39(4) (2002).

Nicholas Wolterstorff, "The Paradoxical Role of Coercion in the Theory of Political Liberalism," *Journal of Law, Philosophy and Culture*, 1(1) (2007). Reprinted in his *Understanding Liberal Democracy: Essays in Political Philosophy*, ed. Terence Cuneo (OUP, 2012).

3. The convergence alternative

The asymmetry objection held that reasonable disagreement is broader than political liberalism can cope with, since it obtains with respect to the right as well as the good. Gerald Gaus has developed an alternative view that seeks to accommodate the full scope of disagreement. Whereas Rawls relies on consensus regarding the public reasons that are used to justify laws, Gaus holds that citizens can 'converge' on the same norms and laws for a variety of different, and unshared, reasons. Public justification can draw on all of citizens' reasons.

Gaus's theory is developed in *The Order of Public Reason*. We will read §1, which introduces the idea of social morality and its authority relation, and selections from chapters 4-6. In Chapter 4 Gaus argues that moral demands must be justified to each individual on the basis of their own evaluative standards. Chapter 5 develops a model for how this requirement can be fulfilled. Chapter 6 then argues that familiar liberal rights can be justified by this model.

The short selection from Paul Billingham gives a more general sketch of the convergence view, highlighting (what he takes to be) its key features.

Finally, Andrew Lister's article ties together our topics from the last few weeks, by differentiating between two approaches to public reason (one Rawlsian, the other Gausian), and defending the coherence of both in the face of objections such as those pressed by Enoch.

The further readings explore the convergence view further, with pieces that explain, critique, and defend the view.

<u>Essential reading:</u>
Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (CUP, 2011), selections from chapters 1, 4-6 as follows:
> Ch 1 intro (pp. 1-2); §1 (pp. 2-14).
> Ch 4 intro (pp. 183-5); §11.2 (pp. 188-93); §12 (pp. 205-32); §13.1 (pp. 232-5); §13.3-13.5 (pp. 244-257); Ch 4 conclusion (p. 258).
> Ch 5 intro (pp. 261-2); §14.1-2 (pp. 263-7); §14.4(a)-(c) (pp. 276-87); §15 (pp. 292-303); §16.1(b) (p. 310); §16.3(a) (pp. 321-5); Ch 5 conclusion (pp. 332-3).
> Ch 6 intro (pp. 334-5); §17 (pp. 335-70).
> - You are welcome to read §1 and all of chapters 4-6, rather than only the selections above, if you prefer. But this would be a lot of (or even more!) reading. The selections above skip over the material that I think is less crucial to the argument.

Paul Billingham, "Convergence Liberalism and the Problem of Disagreement Concerning Public Justification," *Canadian Journal of Philosophy*, 47(4) (2017), §2 (pp. 543-5).
Andrew Lister, "The Coherence of Public Reason," *Journal of Moral Philosophy*, 15(1) (2018).

Further reading explaining the convergence view:

Gerald Gaus and Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions," *Philosophy & Social Criticism*, 35(1-2) (2009).

Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Routledge, 2014), Chapters 4 & 5.

Gerald Gaus, "Moral Constitutions," *The Harvard Review of Philosophy*, 19 (2013).

Gerald Gaus, "Public Reason Liberalism," in Steven Wall (ed.), *The Cambridge Companion to Liberalism* (CUP, 2015).

Further reading on objections to convergence:

Anthony Taylor, "Public Justification and the Reactive Attitudes," *Politics, Philosophy & Economics*, 17(1) (2018).

David Enoch, "The Disorder of Public Reason," *Ethics*, 124(1) (2013).

Jonathan Quong, "What is the Point of Public Reason?" *Philosophical Studies*, 170(3) (2014).

Steven Wall, "Public Reason and Moral Authoritarianism," *The Philosophical Quarterly*, 63(250) (2013).

Collis Tahzib, "Do the Reactive Attitudes Justify Public Reason?" *European Journal of Political Theory*, 21(3) (2022).

Paul Weithman, "Convergence and Political Autonomy," *Public Affairs Quarterly*, 25(4) (2011).

Richard J. Arneson, "Rejecting *The Order of Public Reason*," *Philosophical Studies*, 170(3) (2014).

Further reading on Gaus's responses to objections:

Gerald Gaus, "The Good, the Bad, and the Ugly: Three Agent-Type Challenges to The Order of Public Reason," *Philosophical Studies*, 170(3) (2014).

----, "On Dissing Public Reason: A Reply to Enoch," *Ethics* 125(4) (2015).

----, "Sectarianism Without Perfection? Quong's Political Liberalism," *Philosophy and Public Issues (New Series)*, 2(1) (2012).

4. Liberal perfectionism

Political liberalism is generally associated with the claim that the state should not promote ideas of the good, since such ideas are the object of reasonable disagreement. Perfectionists reject this claim, and hold that the state has a legitimate role in enabling citizens to live well, by supporting valuable ways of life and discouraging disvalauble ones. Liberal perfectionists hold that this is compatible with, or perhaps even demanded by, respect for individual freedom and autonomy. But is liberal perfectionism a coherent position? On the other hand, does political liberalism actually entail a strict ban on promoting the good?

Steven Wall provides an introduction to perfectionism. We then turn to the most influential cotemporary defence of perfectionism: Joseph Raz's autonomy-based account. Jonathan Quong criticises Raz's position, arguing that it is internally inconsistent and illiberal. Joseph Chan, meanwhile, argues that a moderate form of perfectionism is consistent with political liberal principles of legitimacy.

Also, a reminder that you read some other chapters of Quong (chs. 1 & 3) in your Michaelmas core course last year. It would be worth re-familiarising yourself with that material.

The further readings include explorations of the force Quong's criticisms of perfectionism, the nature of autonomy-based perfectionism, and pieces containing other important arguments concerning perfectionist state activity.

Essential reading:
Steven Wall, "Perfectionism," in Gerald Gaus and Fred D'Agostino (eds.), *The Routledge Companion to Social and Political Philosophy* (Routledge, 2012).
Joseph Raz, *The Morality of Freedom* (OUP, 1986), chapters 14 & 15.
Jonathan Quong, *Liberalism Without Perfection* (OUP, 2011), chapter 2.
Joseph Chan, "Legitimacy, Unanimity, and Perfectionism", *Philosophy & Public Affairs*, 29(1) (2000).

Further reading on Quong's criticisms of perfectionism:
Jonathan Quong, *Liberalism Without Perfection* (OUP, 2011), chapters 3 & 4.
Matthew Kramer, *Liberalism with Excellence* (OUP, 2017), chapter 2.
Andrew Lister, "Public Reason and Perfectionism: Comments on Quong's *Liberalism Without Perfection*," *Philosophy & Society*, 25(1) (2014).
Paul Billingham, "Liberal Perfectionism and Quong's Internal Conception of Political Liberalism," *Social Theory and Practice*, 43(1) (2017).

Further reading on autonomy-based perfectionism:
George Sher, *Beyond Neutrality: Perfectionism and Politics* (CUP, 1997), chapters 1-4.
Joseph Raz, "Autonomy, Toleration, and the Harm Principle," in Ruth Gavison (ed.), *Issues in Contemporary Legal Philosophy* (OUP, 1987).
Steven Wall, *Liberalism, Perfectionism and Restraint* (CUP, 1998), chapters 1 & 6-8.

Kevin Vallier, "Can Liberal Perfectionism Justify Religious Toleration? Wall on Promoting and Respecting," *Philosophical Studies*, 162(3) (2013).

Further reading on perfectionism and politics:
Collis Tahzib, *A Perfectionist Theory of Justice* (OUP, 2022).

Richard Arneson, "Perfectionism and Politics," *Ethics*, 111(1) (2000).

Matthew Kramer, *Liberalism with Excellence* (OUP, 2017), chapters 7-9.

Franz Mang, "Liberal Neutrality and Moderate Perfectionism," *Res Publica*, 19(4) (2013).

Ronald Dworkin, "Can a Liberal State Support Art?" in his *A Matter of Principle* (Clarendon Press, 1986).

Steven Wall and George Klosko (eds.), *Perfectionism and Neutrality: Essays in Liberal Theory* (Rowman & Littlefield, 2003).

5. Democracy and judicial review

This week we explore the implications that reasonable disagreement might have for our understanding of the nature and value of democracy and of the justifiability of judicial review.

Laura Valentini argues that whether democracy has instrumental or intrinsic value depends on what kind of disagreement about justice is present within society. David Estlund, meanwhile, uses the need for political procedures to be acceptable to all qualified points of view as a central plank of his 'epistemic proceduralist' defence of democracy.

Jeremy Waldron presents a case against judicial review that centrally turns on the existence of reasonable disagreement about rights. Aron Harel defends judicial review, arguing that it has intrinsic value due to providing individuals with a right to a hearing.

The first set of further reading continues to explore the connections between reasonable disagreement and democracy. This includes discussions of democracy from both political liberal and perfectionist perspectives, and articles critiquing Estlund's view. The second set of further reading delves deeper into the debate on judicial review.

Essential reading:

Laura Valentini, "Justice, Disagreement and Democracy," *British Journal of Political Science*, 43(1) (2013).

David Estlund, "Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority," in James Bohman and William Rehg (eds.), *Deliberative Democracy: Essays on Reason and Politics* (MIT Press, 1997).

Jeremy Waldron, "The Core of the Case against Judicial Review," *The Yale Law Journal*, 115(6) (2006).

Aron Harel, *Why Law Matters* (OUP, 2014), chapter 6.

Further reading on democracy:

Jeremy Waldron, *Law and Disagreement* (OUP, 1999), especially chapter 5.

Samuel Freeman, "Deliberative Democracy: A Sympathetic Comment," *Philosophy & Public Affairs*, 29(4) (2000).

David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton University Press, 2008), especially chapters 3-6.

David Copp, "Reasonable Acceptability and Democratic Legitimacy: Estlund's Qualified Acceptability Requirement," *Ethics*, 121(2) (2011).

Gerald Gaus, "On Seeking the Truth (Whatever That Is) through Democracy: Estlund's Case for the Qualified Epistemic Claim," *Ethics*, 121(2) (2011).

George Sher, "Perfectionism and Democracy", in Roberto Merrill and Daniel Wienstock, *Political Neutrality: A Re-evaluation* (Palgrave Macmillan, 2014).

David A. Reidy, "Reciprocity and Reasonable Disagreement: From Liberal to Democratic Legitimacy," *Philosophical Studies* 132(2) (2007).

Simon Căbulea May, "Religious Democracy and the Liberal Principle of Legitimacy," *Philosophy & Public Affairs*, 37(2) (2009).

Steffen Ganghof, "Does Public Reason Require Supermajoritarian Democracy? Liberty, Equality, and History in the Justification of Political Institutions," *Politics, Philosophy & Economics*, 12(2) (2013).

Further reading on judicial review:

Alexander Kaufman and Michael B. Runnels, "The Core of an Unqualified Case for Judicial Review: A Reply to Jeremy Waldron and Contemporary Critics," *Brooklyn Law Review*, 82(1) (2016).

Laura Valentini, "On the Value of Constitutions and Judicial Review," *Criminal Law and Philosophy*, 11(4) (2017).

Jeffrey Howard, "The Labors of Justice: Democracy, Respect, and Judicial Review," *Critical Review of International Social and Political Philosophy*, 22(2) (2019).

Annabel Lever, "Democracy and Judicial Review: Are They Really Incompatible?" *Perspectives on Politics*, 7(4) (2009).

Samuel Freeman, "Constitutional Democracy and the Legitimacy of Judicial Review," *Law and Philosophy*, 9(4) (1990-1991).

Ronald Dworkin, *Freedom's Law: The Moral Reading of the American Constitution* (OUP, 1996), especially the Introduction.

Jeremy Waldron, *Law and Disagreement* (OUP, 1999), chapter 13.

6.   Religion in politics

Religion is seen as the archetypal site of reasonable disagreement. Political liberals thus typically hold that religious reasons cannot be the basis for law, and that citizens should not (solely) offer such reasons in their political advocacy. But might these requirements place unfair demands on religious citizens, or undermine their moral and religious integrity? Kevin Vallier and Patrick Neal explore this question. Meanwhile, Chapter 4 of Cécile Laborde's book develops an account of the limits on religious influence in politics.

While reasonable disagreement might give reasons to limit religion's role in politics, it might also suggest that religious citizens should receive exemptions from otherwise applicable laws, on grounds of conscience. Chapter 6 of Cécile Laborde's book defends such exemptions, while Simon May objects to them. Lori Watson and Christie Hartley consider what kinds of exemptions might be justified within their political liberal view.

The first set of further readings explores the place of religious arguments in political deliberation, offering a wide range of perspectives on the permissibility of citizens appealing to their religious beliefs as the grounds for laws. The second set continues the debate concerning the justifiability of religious exemptions.

Essential reading:

Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Routledge, 2014), chapter 2.

Patrick Neal, "Is Political Liberalism Hostile to Religion?" in Shaun P. Young (ed.), *Reflections on Rawls: An Assessment of his Legacy* (Ashgate, 2009).

Cécile Laborde, *Liberalism's Religion* (HUP, 2017), chapters 4 & 6.

Simon Căbulea May, "Exemptions for Conscience," in Cécile Laborde and Aurélia Bardon (eds.), *Religion in Liberal Political Philosophy* (OUP, 2017).

Lori Watson and Christie Hartley, *Equal Citizenship and Public Reason: A Feminist Political Liberalism* (OUP, 2018), chapter 5.

Further reading on religious arguments in political deliberation:

Watson and Hartley, *Equal Citizenship and Public Reason*, chapters 3 & 4.

Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Rowman & Littlefield, 1997).

Christopher J. Eberle, *Religious Conviction in Liberal Politics* (CUP, 2002), introduction to part three & chapters 7-8.

Jeffrey Stout, *Democracy and Tradition* (Princeton University Press, 2004), chapter 3.

James W. Boettcher, "Strong Inclusionist Accounts of the Role of Religion in Political Decision-Making," *Journal of Social Philosophy* 36(4) (2005).

Jürgen Habermas, "Religion in the Public Sphere," *European Journal of Philosophy*, 14(1) (2006).

Gerald Gaus, "The Place of Religious Belief in Public Reason Liberalism," in Maria Dimovia-Cookson and P.M.R. Stirk (eds.), *Multiculturalism and Moral Conflict* (Routledge, 2010).

Andrew March, "Rethinking Religious Reasons in Public Justification," *American Political Science Review*, 107(3) (2013).

Aurélia Bardon, "Religious Arguments and Public Justification," in Jean L. Cohen and Cécile Laborde (eds.), *Religion, Secularism and Constitutional Democracy* (Columbia University Press, 2016).

Paul Billingham, "Religious Political Arguments, Accessibility, and Democratic Deliberation," *Notre Dame Law Review*, 98(4) (2023).

Further reading on religious exemptions:

Kevin Vallier, "The Moral Basis of Religious Exemptions," *Law and Philosophy*, 35(1) (2016).

Martha Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* (Basic Books, 2008), chapters 1 & 4.

Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience* (HUP, 2011), part 2.

Brian Leiter, *Why Tolerate Religion?* (PUP, 2014), chapter 5.

Paul Bou-Habib, "A Theory of Religious Accommodation," *Journal of Applied Philosophy*, 23(1) (2006).

Jonathan Quong, "Cultural Exemptions, Expensive Tastes, and Equal Opportunities," *Journal of Applied Philosophy*, 23(1) (2006).

Alan Patten, "Religious Exemptions and Fairness," in Laborde and Bardon (eds.), *Religion in Liberal Political Philosophy*.

Paul Billingham, "'How Should Claims for Religious Exemptions be Weighed?" *Oxford Journal of Law and Religion*, 6(1) (2017).

7. Gender Equality and Marriage

Is political liberalism compatible with policies that promote gender equality? Feminism is often seen as a comprehensive doctrine, and thus subject to reasonable disagreement. Does this mean that political liberalism cannot achieve substantive gender equality of the kind that feminists seek? Kimberly Yuracko argues as much, and endorses perfectionism on that basis. Lori Watson and Christie Hartley, on the other hand, argue that political liberalism can itself be feminist, while Gina Schouten defends state actions to promote gender equality on political liberal grounds.

Is political liberalism compatible with state recognition of marriage? Clare Chambers argues that it is not, while Alison Toop makes the opposite case.

The further readings delve deeper into the relationship between political liberalism, perfectionism, and feminist concerns, and present various additional views on state recognition of marriage.

Essential reading:

Kimberly A. Yuracko, "Toward Feminist Perfectionism: A Radical Critique of Rawlsian Liberalism," *UCLA Women's Law Journal*, 6(1) (1995).

Lori Watson and Christie Hartley, *Equal Citizenship and Public Reason: A Feminist Political Liberalism* (OUP, 2018), chapter 6.

Gina Schouten, "Citizenship, Reciprocity, and the Gendered Division of Labour: A Stability Argument for Gender Egalitarian Political Interventions," *Politics, Philosophy & Economics*, (16)(2) (2017).

Clare Chambers, *Against Marriage: An Egalitarian Defence of the Marriage-Free State* (OUP, 2017), chapter 2.

Alison Toop, "Is Marriage Incompatible with Political Liberalism?" *Journal of Moral Philosophy*, 16(3) (2019).

Further reading on gender equality:

John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review*, 64(3) (1997), §5. Reprinted in *Political Liberalism*, expanded edition.

Susan M. Okin, "'Forty Acres and a Mule' for Women: Rawls and Feminism," *Politics, Philosophy & Economics*, 4(2) (2005).

----, "Political Liberalism, Justice and Gender," *Ethics* 105 (1994).

Gina Schouten, *Liberalism, Neutrality, and the Gendered Division of Labor* (OUP, 2019).

Amy Baehr, "Perfectionism, Feminism and Public Reason," *Law and Philosophy* 27(2) (2008).

Ruth Abbey, "Back Toward a Comprehensive Liberalism? Justice as Fairness, Gender, and Families," *Political Theory* 35(1) (2007).

Blain Neufeld and Chad Van Schoelandt, "Political Liberalism, Ethos Justice, and Gender Equality," *Law and Philosophy* 33(1) (2014).

Martha Nussbaum, "Rawls and Feminism," in Samuel Freedom (ed.), *The Cambridge Companion to Rawls* (CUP, 2003).

Clare Chambers, *Sex, Culture, and Justice: The Limits of Choice* (Penn State Press, 2008).

Watson and Hartley, *Equal Citizenship and Public Reason*, chapter 8.

There is a symposium on Watson and Hartley's book in *Journal of Applied Philosophy*, 37(5) (2020), with articles by Amy Baehr, Paul Billingham, Clare Chambers, Cynthia Stark, and Kevin Vallier.

There is a symposium on Schouten's book (which expands on arguments in the *PPE* article) in *Philosophy and Phenomenological Research* 107(1) (2013), with articles by Asha Bhandary, Timothy Fowler, Anthony Laden, and Jonathan Quong.

Further reading on marriage:

Chambers, *Against Marriage*, chapter 3.

Elizabeth Brake, *Minimizing Marriage: Marriage, Morality, and the Law* (OUP, 2012), chapters 6 & 7.

Watson and Hartley, *Equal Citizenship and Public Reason*, chapter 9.

Simon Căbulea May, "Liberal Neutrality and Civil Marriage," in Elizabeth Brake (ed.), *After Marriage: Rethinking Marital Relationships* (OUP, 2016).

Ralph Wedgwood, "Is Civil Marriage Illiberal?" in Elizabeth Brake (ed.), *After Marriage: Rethinking Marital Relationships* (OUP, 2016).

Tamara Metz, *Untying the Knot: Marriage, the State, and the Case for their Divorce* (PUP, 2010), especially chapter 5.

Andrew Lister, *Public Reason and Political Community* (Bloomsbury Academic, 2013), chapter 6.

There was a discussion of Toop's 2019 article on the PEA Soup blog: http://peasoup.us/2019/08/jmp-discussion-of-alison-toops-is-marriage-incompatible-with-political-liberalism/.

8.   The education and upbringing of children

Liberal states often seek to inculcate certain values and ideals in the next generation, using civic education. But can this be justified in the light of reasonable disagreement? William Galston argues that an account of liberalism that gives diversity its due would allow religious groups to remove their children from state education, as in the case of *Wisconsin v Yoder*. Amy Gutmann, meanwhile, contends that political liberalism and perfectionism actually converge with respect to their recommendations for civic education. George Davis and Blain Neufeld reassert the distinctiveness of political liberalism's approach.

Parents, meanwhile, also seek to inculcate values and ideals in their children. Most seek to enrol their children in their own comprehensive doctrine. But is this permissible, given that those doctrines are matters of reasonable disagreement? Matthew Clayton argues that it is not, while Steven Lecce makes the opposite case.

The further readings delve deeper into the debate concerning what kinds of civic education and parental upbringing can be justified within liberal theories, in the light of reasonable disagreement.

Essential reading:

William A. Galston, "Two Concepts of Liberalism," *Ethics*, 105(3) (1995).

Amy Gutmann, "Civic Education and Social Diversity," *Ethics*, 105(3) (1995).

Gordon Davis and Blain Neufeld, "Political Liberalism, Civic Education, and Educational Choice," *Social Theory and Practice*, 33(1) (2007).

Matthew Clayton, *Justice and Legitimacy in Upbringing* (OUP, 2006), chapter 3.

Steven Lecce, "How Political is the Personal? Justice in Upbringing," *Theory and Research in Education*, 6(1) (2008).

Further reading on civic education:

Harry Brighouse, "Civic Education and Liberal Legitimacy," *Ethics*, 108(4) (1998).

Eamonn Callan, "Political Liberalism and Political Education," *Review of Politics*, 58(1) (1996).

Stephen Macedo, "Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?" *Ethics*, 105(3) (1995).

Gina Schouten, "Political Liberalism and Autonomy Education: Are Citizenship-Based Arguments Enough?" *Philosophical Studies*, 175(5) (2018).

Clayton, *Justice and Legitimacy in Upbringing*, chapter 4.

Kyla Ebels-Duggan, "Moral Education in the Liberal State," *Journal of Practical Ethics*, 1(2) (2013).

John Tomasi, "Civic Education and Ethical Subservience: From *Mozert* to *Santa Fe* and Beyond," in Stephen Macedo and Yael Tamir (eds.), *Nomos Vol. 43: Moral and Political Education* (2002).

Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Routledge, 2014), pp.225-254.

M. Victoria Costa, *Rawls, Citizenship, and Education* (Routledge, 2011), especially chapter 5.

Baldwin Wong, "Let God and Rawls Be friends: On the Cooperation between the Political Liberal Government and Religious Schools in Civic Education," *Journal of Applied Philosophy* (online first, 2021, doi: 10.1111/japp.12514).

Elizabeth Edenberg, "Civic Education: Political or Comprehensive?" in Johannes Drerup et al. (eds.), *Justice, Education and the Politics of Childhood* (Springer, 2016).

Steven Wall, *Liberalism, Perfectionism and Restraint* (CUP, 2009), pp. 205-13.

Further reading on children's upbringing:

Tim Fowler, "Perfectionism for Children, Anti-perfectionism for Adults," *Canadian Journal of Philosophy*, 44(3-4) (2014).

Blain Neufeld and George Davis, "Civic Respect, Civic Education, and the Family," *Educational Philosophy and Theory*, 42(1) (2010).

Christie J. Hartley, "Political Liberalism and Children," *Philosophical Studies*, 175(5) (2018).

Christina Cameron, "Debate: Clayton on Comprehensive Enrolment," *The Journal of Political Philosophy*, 20(3) (2012).

Matthew Clayton, "Debate: The Case Against the Comprehensive Enrolment of Children," *The Journal of Political Philosophy*, 20(3) (2012).

Harry Brighouse and Adam Swift, "Legitimate Parental Partiality," *Philosophy & Public Affairs,* 37(1) (2009).

Claudia Mill, "The Child's Right to an Open Future?" *Journal of Social Philosophy*, 34(4) (2003).

Frank Dietrich, "Liberalism, Neutrality, and the Child's Right to an Open Future," *Journal of Social Philosophy*, 51(1) (2020).

Blain Neufeld, "'The Kids are Alright': Political Liberalism, Leisure Time, and Childhood," *Philosophical Studies*, 175(5) (2018).