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DOES EPISTEMOLOGY MATTER? POLITICAL LEGITIMACY IN THE FACE OF DISAGREEMENT

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Federica Liveriero • Does Epistemology Matter?

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The underlying idea is that implementing forms of “civilized” politics is desirable as well as feasible. And, as far as the Italian political system is concerned, it is also urgently needed, since the system appears to be poorly prepared to deal with the challenges emerging in many policy areas: from welfare state reform to the governance of immigration, from the selection criteria in education and in public administration to the regulation of ethically sensitive issues.

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Disagreement, Political Legitimacy, Moral Epistemology, Coherentism,
Reflective Equilibrium

ABSTRACT

**DOES EPISTEMOLOGY MATTER?
POLITICAL LEGITIMACY IN THE FACE OF DISAGREEMENT**

In this article my aim is to address the issue of the public justification of political liberalism from the perspective of moral epistemology. I begin showing that a strictly political account of liberal legitimacy is hostage of tensions that are intrinsic to the justificatory framework itself. On the one hand, an adequate conception of justice should grant the required normative force thanks to the appeal to compelling justificatory arguments. On the other hand, a strictly political version of liberalism is characterized by a major focus on the actual circumstances of justice and on the acknowledgment of the fact of pluralism. Rawls main goal in *Political Liberalism*, for example, is to provide a full justification for a strictly political conception of liberalism starting from the “here and now” of the contemporary political societies. Rawls believes that his version of political liberalism, being neutral with regard to metaphysical and epistemological disputes, can avoid dilemmatic outcomes.

In the second part of the article, I argue, pace Rawls, that political liberalism cannot be robust vis-à-vis different theories of justification, because it is required that as theorists we take a stance regarding the epistemological framework we employ while developing a specific theory of political legitimacy. My proposal is that a moderate approach in moral epistemology expresses the best scheme available to us - as moral agents constrained by the limit of our rationality - for establishing a normatively binding, and yet realistic, procedure of justification for political institutions and practices. An epistemic moderate account can be described around four fundamental benchmarks: (1) a doxastic presupposition that highlights the fundamental deliberative role played by moral agents as they are the last authority for determining which principles are indeed compatible with their wide set of beliefs; (2) a fallibilist account of moral knowledge; (3) a coherentist theory of epistemic justification and (4) a moderate account of objectivity according to which the objectivity of the moral discourse rests on the correctness-apt deliberative procedure we produce as moral agents and that involves some correctness criteria that are publicly justified through the exchange of reasons among reasonable citizens.

DOES EPISTEMOLOGY MATTER? POLITICAL LEGITIMACY IN THE FACE OF DISAGREEMENT

FEDERICA LIVERIERO

1. INTRODUCTION

Famously, John Rawls claims that the main differences between his two books, *A Theory of Justice* (1971, hereafter TJ) and *Political Liberalism* (1993, hereafter PL), stem from the fact that in TJ he did not properly distinguish a moral doctrine of justice, with a general application, from a purely political conception of justice (1993, xiii-xxxiv). In PL Rawls clearly states that a conception of justice “should be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm” (1993, 9). In an attempt to apply “the principle of toleration to philosophy itself” (1993, 10) Rawls develops a conception of justice that, being freestanding and abstaining from metaphysical and epistemic analyses, can be publicly justified, as reasonable citizens need to find an agreement just over political matters (Rawls 1974; 1985; 1993). The strictly political account of liberalism defended by Rawls (described in §2) has been criticized by many authors. Specifically, in this paper (§3) I discuss some of the critiques raised by Joseph Raz (1990); Jürgen Habermas (1995) and Gerald Gaus (1996). Then, in §4, I specify why I believe, along with such authors, that it is not possible to provide a fully-fledged account of political legitimacy (and public justification) averting any references to the epistemological framework that supports such project. In the second part of this work – in §5 and §6 – I introduce a moderate epistemic paradigm that I believe expresses the best scheme available to us – as moral agents constrained by the limit of our rationality – for establishing a normatively binding, and yet realistic, procedure of justification for political institutions and public decisions. To conclude, I discuss the method of reflective equilibrium (§7) in the attempt to show that such justificatory method, a coherentist one, plays an essential role within the epistemic framework that implicitly - as Rawls does not introduce or discuss it - supports the Rawlsian justificatory enterprise for establishing a legitimated political conception of liberalism.

2. LIBERAL LEGITIMACY: THE POLITICAL TURN

Starting from his works of the 1980s (1980, 1985, 1987), Rawls has been specifying a conception of liberalism that does away with any metaphysical or epistemic grounding. The underlying rationale for this new strategy derives from the fact that Rawls, in an act of self-criticism, admits that some of the central theses of TJ require revisions. Rawls acknowledges that in TJ he did not properly distinct between, on the one hand, the attempt to publicly legitimize a specific conception of justice and, on the other hand, the goal of ensuring the stability for the right reason for a well-ordered political society.¹ Indeed, in the third part of TJ, *Ends*, Rawls claims that the stability of a well-ordered society is granted by the connection of the procedure of selection for the principles of justice (i.e. the original position) with a specific doctrine of moral psychology. By contrast in PL, the acknowledgment of the “fact of pluralism” (Rawls 1993, 36) imposes an overall revision of the justificatory strategy as Rawls claims that a political conception justice, in order to be publicly justifiable, cannot be defined and legitimated as a comprehensive doctrine *tout court*. Rawls is now committed to the attempt to provide a strictly public justification of his conception of justice, a justification that appeals to arguments that should be compatible with the comprehensive doctrines privately held by reasonable citizens. Granted that pluralism is not interpreted simply as a factual circumstance of contemporary multicultural societies, but is instead defined as “the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime” (Rawls 1993, xvi), Rawls then claims that the justificatory strategy, to prove successful notwithstanding the deep disagreement that characterizes political societies, should abstain from any reference to controversial issues, such as epistemological and metaphysical disputes. Rawls in PL focuses his attention on justificatory arguments that, according to this new strategy, should prove to be neutral with regard to different theories of truth, metaphysical approaches or epistemological theories of justification. Furthermore, the justificatory arguments introduced in support of the political conception should avert any reference to a specific comprehensive doctrine. According to Rawls, the philosophical arguments that grants the justification of a political conception should

¹ Rawls (1993, 1995) distinguishes between the stability for the right reasons and *modus vivendi*. If the latter is the case, then “society’s stability depends on a balance of forces in contingent and possibly fluctuating circumstances” (1995, p. 147). On the contrary, stability for the right reasons is reached when citizens are motivated to support a theory of justice thanks to the achievement of a reasonable overlapping consensus.

be *freestanding*, as they should not be sensitive to the different comprehensive doctrines held by citizens in their private life.²

A fundamental difference between TJ and PL derives from Rawls awareness that there are facts of the political reality (such as the fact of pluralism or the existence of unreasonable people) that an adequate theory of justice should deal with. Rawls then tries to establish a model of political legitimacy that addresses the real circumstances of justice, rather than focusing primarily on the production of justificatory arguments that should work in any circumstance, as they are conceived as ideal and universalizable. Rawls' main goal in PL is to provide a full justification for a strictly political conception of liberalism starting from the "here and now" of the contemporary political societies. Rawls' *'political turn'* has been criticized by many authors for its alleged theoretical weakness (Cohen 2003, 2008; Dworkin 2000; Estlund 1998; Galston 2002; Gaus 1996; Habermas 1995; Hampton 1989; Neal 1990; Sandel 1982; Raz 1990; Sen 2009). Notwithstanding the deep differences among these thinkers, they all criticize Rawls claiming that the *method of avoidance*³ that he employs in PL involves a lack of normative force for the whole justificatory project. Some authors (Cohen; Dworkin; Galston) have raised concerns about the possibility that political liberalism might actually provide normatively compelling justificatory reasons in the case that any reference to a specific comprehensive doctrine (or metaphysical theory) has to be avoided. Other authors (Estlund; Gaus; Habermas; Raz) wonder whether it is actually possible to provide a throughout account of public justification averting any specific analysis of the epistemic theory that backs up the justificatory strategy itself. Some authors (Hampton; Sandel; Sen) have been concerned with the motivational issue, claiming that if the justification of political principles cannot refer to comprehensive beliefs, even though such beliefs are those that citizens held more strongly within their systems of beliefs and values, then the attempt to grant stability for the right reasons to the political system is doomed to fail.

I agree that the account of political legitimacy defended by Rawls in PL is hostage of tensions that are intrinsic to the justificatory framework itself. On the one hand, Rawls maintains that an adequate conception of justice should grant the required normative force thanks to the appeal to compelling justificatory arguments. On the other hand, the political turn is due to a major focus on the actual circumstances of

² A theory T1 is *sensitive* to another theory T2 to the extent that the justification of T1 is affected by changes in T2, including the total rejection of T2 in favour of some competing theory T2'.

³ "The hope is that, by this method of avoidance, as we might call it, existing differences between contending political views can at least be moderated, even if not entirely removed, so that social cooperation on the basis of mutual respect can be maintained" (Rawls 1985, p. 231).

justice and on the acknowledgment of the fact of pluralism. The Rawlsian account of political legitimacy tries to balance the attempt to establish sound philosophical arguments for justifying a specific conception of justice with the challenge of respecting the deep disagreement that characterizes contemporary political societies. The *philosophical constraint* requires that a normatively binding procedure of justification provides sound freestanding arguments in favour of specific liberal conception of justice. The *stability for the right reasons constraint* entails that this conception of justice must receive adequate support from the real members of the political constituency. In this regard, is not sufficient to provide good philosophical arguments for justifying a principle; rather it is also necessary that these philosophical arguments are accepted as victoriously justified within the systems of beliefs held by the members of the constituency. Consequently, demonstrating the priority of the right over the good through sound theoretical arguments is not enough. Rather, the priority of right should be justified in a way that results to be acceptable, and therefore motivational adequate, for the actual members of the political society. However, it is important to highlight that the more the theory gains political efficacy proving to be robust vis-à-vis as many as comprehensive doctrines possible, the more the theory loses philosophical deepness.⁴ To conclude, this ambitious justificatory project faces internal tensions, as it is extremely hard to maintain a balance between the philosophical requirement to provide justificatory reasons that are both normatively binding and motivationally powerful and the realistic stance according to which the political conception, to result not just desirable, but also feasible, should be consistent with the actual circumstances of justice.

3. IS IT POSSIBLE TO DO AWAY WITH EPISTEMOLOGY?

In the previous section I briefly analysed the political turn thematised by Rawls in PL. Now I want to present some critiques that has been raised against the method of avoidance and the attempt to avert any epistemic analysis while defending a justificatory framework for a strictly political version of liberalism. Three well-developed critiques on this matter are provided by Joseph Raz (1990), Jürgen Habermas (1995) and Gerald Gaus (1996, 1999). From extremely different

⁴ “Rawls actually does not think in terms of a coherent integration between a normative-philosophical justification and a factual legitimation. Rather he continues to work within the horizon of a philosophical theory of justice. Nevertheless, in order to settle the central dilemma between stability and pluralism, he must concede that a pure philosophical justification of liberal democracy is itself insufficient to guarantee the equilibrium between these opposing claims” (Maffettone 2010, 22).

perspectives, these three authors question the very possibility of developing an adequate justificatory procedure whereas the epistemic assumptions are not clarified and adequately exposed. I will now proceed in exposing such arguments that question the general justificatory method employed by Rawls in his attempt to build up and legitimate a strictly political account of liberalism.

3.1. EPISTEMIC ABSTINENCE

Joseph Raz, in his article “Facing Diversity: The Case of Epistemic Abstinence” (1990), argues that any justificatory procedure that eschews reference to the concept of truth is hopelessly weak, as it lacks the necessary epistemic strength for guaranteeing a sound justification for the principles that aims to justify. According to Raz, it is very unlikely that a justificatory strategy, avoiding any normative reference to ultimate truths or deep values, can provide philosophical arguments that prove to be able to stably motivate citizens, therefore granting stability for the right reasons, rather than simply establishing a *modus vivendi*. Raz believes that the desirability of a theory of justice (and the adequacy of the justificatory strategy) partly derives from the attempt of publicly establishing moral truths⁵. In order to better understand the value of the critique raised by Raz, I will briefly outline the main arguments introduced in his article. First of all, Raz articulates the fundamental assumptions around which Rawls develops his proposal of a strictly political liberalism: limited applicability; shallow foundation; autonomy; epistemic abstinence.

According to Raz, the *limited applicability* is determined by the Rawlsian focus on the context. Indeed, starting from “Kantian Constructivism in Moral Theory” (1980), Rawls ties up his justificatory procedure to the contextual circumstances of justice. With the political turn, Rawls establishes different, probably more limited, goals for his justificatory paradigm: the fundamental one being the attempt to promote a conception of justice that in some sense already reflects some model conceptions (i.e. the idea of citizens as free and equal and the notion of a well-ordered society as a fair system of cooperation) that are drawn from the historically context of liberal-western societies. With the political turn, the argument of the original position is still relevant, but in a different way: such argument becomes a “devise of representation” (PL, 24) for modelling specific liberal organizing ideas that can be contextually extrapolated from the historical process that has led to the formation

⁵ “Their achievement – [...] – makes the theory true, sound, valid, and so forth. This at least is what such a theory is committed to. There can be no justice without truth” (Raz 1990, 15).

of contemporary democratic societies and the liberal public culture that is part of them.

The limited applicability is then connected by Raz with the second feature of political liberalism, namely a *shallow foundation*, since, as Raz summarizes (1990, 6): “the only definitive foundation is the rootedness in the here and now”. Raz, as many other critics, believes that the political turn, requiring that the justification is, in some relevant sense, dependent on a normatively connotated, but contingent, context from which some basic organizing ideas are drawn⁶, introduces a relativistic connotation within the justificatory paradigm. According to Raz, Rawls’ strategy for solving the tension between the need for a normative justification of the political conception and the attempt to respect the fact of pluralism hinges on the possibility of keeping together the shallow foundation with the *autonomy of the political domain*.⁷ Indeed, Rawls clearly claims that the justificatory arguments publicly provided in favour of the conception of justice should be freestanding (and therefore robust with regard to the various conceptions of the good), in order to be respectful of the comprehensive perspectives of reasonable citizens involved in political deliberation. However, to grant normative force to the justificatory procedure notwithstanding the impossibility to appeal to comprehensive arguments, Rawls envisages a political paradigm whose fundamental elements are part of a common public culture. The possibility that actual reasonable citizens might converge in acknowledging the relevance of a common public background-culture is the contextual-wager made by Rawls: if citizens can publicly agree on the normative value of some fundamental organizing liberal ideas, then the political practice of justification can guarantee motivational force while, at the same time, respect the fact of pluralism.

Finally, Raz discusses the *epistemic abstinence* strategy introduced by Rawls since his article “Justice as Fairness: Political not Metaphysical” (1985). Raz claims that Rawls’ decision to keep completely separated the issue of establishing moral truths and the attempt to grant legitimacy to a specific political conception involves an unsustainable epistemic weakness. According to Raz, the epistemic abstinence is directly proportional to the degree of autonomy of the theory itself. The more the

⁶ “the fundamental organizing idea of justice as fairness, within which the other basic ideas are systematically connected, is that of society as a fair system of cooperation over time, from one generation to the next. We start the exposition with this idea, which we take to be implicit in the public culture of a democratic society” (PL, 15).

⁷ Raz (1990, p. 9) states: “The common culture matters to Rawls as a fact, regardless of truth. That is the meaning of the shallow foundations. They, and the autonomy of the doctrine of justice, allow the generation of a theory of justice which can form the basis of a consensus in the face of pluralism”.

theory of justice is freestanding with regard to moral convictions, the more the theory lacks the necessary epistemic force for granting normative efficacy to its principles of justice. In utter opposition with some of the essential insights that support the political turn defended by Rawls, Raz defends a view according to which it is theoretically impossible to fully justify a political conception, without referring to some grounding moral values. For Raz, moral values are normatively binding, as long as they are justified as *true values*. Raz believes that for preserving normative force, a satisfactory theory of political legitimacy cannot do away with a metaphysical foundation. In this regard, Raz is convinced that Rawls' approach lacks any adequate epistemological criterion for distinguishing a good normative theory from a bad one and that the only criterion his political liberalism is left with for evaluating the legitimacy of his conception of justice is a form of strong conventionalism, according to which the justifiability of the principles of justice depends entirely upon the fact that they are contingently chosen by the actual members of the constituency.⁸ For Raz, the epistemic weakness of the Rawlsian project is proved by the fact that the desirability of political liberalism derives from the popularity that such conception can gain within a contextually defined political constituency (Raz 1990, 19), rather than been granted thank to an undeniable strong normative justificatory argument. According to Raz, the desirability of a political conception stems from the fact that such conceptions is partly defined referring to a true moral theory⁹.

To conclude, Raz does not believe that Rawls' proposal can succeed in granting both normative desirability and political efficacy, as his paradigm abstains from engaging in necessary epistemological and metaphysical analyses. Raz, in contrast with Rawls, defends an approach according to which it is not possible to justify and legitimate a political conception of justice, without providing adequate support for such conception thanks to an analysis that comprises an epistemological theory of justification and an investigation of which criteria are useful for establishing moral truths.

⁸ "His epistemic abstinence means that his doctrine of justice should be accepted even if false" (Raz 1990, p. 17).

⁹ Jonathan Quong (2011, pp. 221-255) systematizes and clarifies the justificatory strategy defended by Rawls in PL and rebuts Raz's critiques claiming that his arguments would be well directed and hard to overlook in case reasonable pluralism and the recognition of the burdens of judgement would not be stringent features of our contemporary societies as instead they are. In the second part of this article I defend a conception of moral epistemology that I define moderate; my first aim being that of granting an adequate epistemological analysis for a theory of political legitimacy, meanwhile respecting the actual circumstances of justice, as intended by Rawls and Quong.

3.2. SIMPLY A HERMENEUTIC CLARIFICATION OF A TRADITION?

Jürgen Habermas and John Rawls had a famous exchange on the pages of *The Journal of Philosophy* (1995). In his article “Reconciliation Through the Public use of Reason: Remarks on John Rawls’s Political Liberalism” Habermas claims that he essentially shares Rawls’ main goals, but he criticises the strategy chosen by Rawls for executing the project¹⁰. Habermas focuses his critiques on different and extremely relevant matters (i.e. the justificatory role played by the original position; the normative relevance of the overlapping consensus; the relationship between private and political autonomy), but in this section, I mention just the arguments that are relevant for assessing the allegedly epistemic weakness of the Rawlsian paradigm.

It can be said that Habermas and Rawls in their exchange *compete over modesty* (Floridia 2017a, 2017b; Forst 2012; Liveriero 2017), trying to prove each other that their own model is more adequate – and less demanding – than the one defended by the other¹¹. It is worth noting that a postmetaphysical account of reasoning, as the one defended by Habermas, implies a refutation for metaphysical analysis not just in the political domain, but in every human area of reasoning¹². The normativity of the intersubjective deliberative enterprise is derived entirely from the constraints intrinsic to the use of rationality itself. The *discourse principle* assures that any

¹⁰ “Because I admire this project, share its intentions, and regard its essential results as correct, the dissent I express here will remain within the bounds of a familial dispute. My doubts are limited to whether Rawls always brings to bear against his critics his important normative intuitions in their most compelling form” (Habermas 1995, p. 110).

¹¹ “Such a procedural moral and legal theory is at the same time more and less modest than Rawls’s theory. It is more modest because it focuses exclusively on the procedural aspects of the public use of reason and derives the system of rights from the idea of its legal institutionalization. It can leave more questions open because it entrusts more to the *process* of rational opinion and will formation. Philosophy shoulders different theoretical burdens when, as on Rawls’s conception, it claims to elaborate the idea of a just society, while the citizens then use this idea as a platform from which to judge existing arrangements and policies. By contrast, I propose that philosophy limit itself to the clarification of the moral point of view and the procedure of democratic legitimation, to the analysis of the conditions of rational discourses and negotiations. In this more modest role, philosophy need not proceed in a constructive, but only in a *reconstructive* fashion. It leaves substantial questions that must be answered here and now to the more or less enlightened engagement of participants, which does not mean that philosophers may not also participate in the public debate, though in the role of intellectuals, not of experts. Rawls insists on a modesty of a different kind. He wants to extend the “method of avoidance”, which is intended to lead to an overlapping consensus on questions of political justice, to the philosophical enterprise”, (Habermas 1995, p. 131, emphasis in original).

¹² “In a pluralistic society, the theory of justice can expect to be accepted by citizens only if it limits itself to a conception that is postmetaphysical in the strict sense, that is, only if it avoids taking sides in the contest of competing forms of life and worldviews. In many theoretical questions, and all the more so in practical questions, the public use of reason does not lead to a rationally motivated agreement” (Habermas 1996, p. 60).

substantive principle is already being justified through a deliberative discourse. In this regard, the *discourse principle* does not presuppose a moral theory of any kind¹³. The major difference between the Rawlsian and Habermasian paradigms is that in PL the initial credibility – and desirability *qua* feasibility – of the principles of justice hinges on a contextual reference to some shared ideals, whereas for Habermas the normative force of the paradigm is derived from the universal validity of the communicative action¹⁴. Within the Rawlsian paradigm citizens' commitment in respecting the publicly legitimated conception of justice stems from the fact that the principles of justice are modelled reflecting back-ground conceptions of a well-ordered society and of citizens as free and equal on which reasonable members of the constituency agree upon. In this regard, the whole structure of justification hinges on a coherentist paradigm, as Rawls argues that reasonable citizens might be motivated to respect specific normative constraints, once it has been shown them that such constraints are consistent with the organizing ideas that are shared in the public culture of that society. Indeed, the principles of justice are ultimately justified if and only if they demonstrate to be consistent, in reflective equilibrium, with the doxastic sets of beliefs held by citizens.

Habermas strongly criticizes this coherentist strategy implicitly employed by Rawls, claiming that such justificatory procedure cannot “accomplish more than merely the hermeneutic clarification of a contingent tradition” (1995, 120). By contrast, Habermas claims that his communicative theory of action, and the deliberative political paradigm that follows from it, does not need to refer to any shared conception or notion. Rather, it is grounded into the rational practice of law-making and into the intersubjective and normative exchange of reasons among agents that are able to abide by the *discourse principle*. Habermas defines his framework as transcendental – in the Kantian sense – from the beginning, for the normativity that compels agents to respect each other derives from the sheer fact that they are engaging in a discursive practice, because such a practice involves a set of universal norms that governs the process of raising and contesting validity claims¹⁵. Even

¹³ “The discourse principle is only intended to explain the point of view from which norms of action can be *impartially justified*; I assume that the principle itself reflects those symmetrical relations of recognition built into communicatively structured forms of life in general” (*ivi* pp. 108-109, emphasis in original).

¹⁴ For a very exhaustive analysis of the differences between the justificatory paradigms defended respectively by Habermas and Rawls, see Finlayson and Freyenhagen (eds.) 2013; Hendrick 2010 and McCarthy 1994.

¹⁵ “For the justification of moral norms, the discourse principle takes the form of a universalization principle. To this extent, the moral principle functions as a rule of argumentation. Starting with the general presuppositions of argumentation as the reflective form of communicative action, one can attempt to elucidate this principle in a formal-pragmatic fashion” (Habermas 1996, p. 109).

though the transcendental apparatus that supports Habermas' account aims at codifying universal norms of intersubjective interactions, Habermas claims that his model provides the most adequate model of political legitimacy in balancing ambitious goals with a general strategy of justificatory modesty. Indeed, the major critique that Habermas raises against political liberalism is that the account of political legitimacy defended in PL does not leave enough room for the actual practice of democracy. According to Habermas, if too many normative aspects of the theory are determined before the actual democratic procedure of exchanging reasons is carried out, then the theory illegitimately favours institutional and constitutional aspect of politics, overlooking the actual democratic practice in which citizens publicly deliberate over political matters. Habermas claims that in the Rawlsian account the relevant normative arguments are introduced and justified within an ideal stage, within which actual citizens' opinions and preferences play no role. Then, these citizens will find themselves living in an institutionalized world in which they are subjected to norms that they have not contributed to justify¹⁶. By contrast, Habermas wants to establish a model in which the actual practice of the political deliberation, granted the respect of the universal discursive principle, should then be unconstrained.

According to Habermas, in the Rawlsian paradigm the justificatory duties are mostly carried out by the conceptual artifice of the original position, whereas the stage of the overlapping consensus only addresses the difficulties concerning stability and social unity¹⁷. This critique goes along with a review, articulated by Habermas, of Rawls' decision to employ the predicate "reasonable" in place of the predicate "true". For Habermas the justificatory modesty employed by Rawls and attested by his willingness to refer to reasonable conceptions of justice, rather than engaging his theory in the attempt to establish a true conception of justice, involves a breakdown between the question of *acceptability* of a norm (as adequately justified) and the *factual acceptance* of a norm by a specific constituency. Indeed, if Habermas is right and the justificatory stage of the overlapping consensus is simply focused in

¹⁶ "For the higher the veil of ignorance is raised and the more Rawls's citizens themselves take on real flesh and blood, the more deeply they find themselves subject to principles and norms that have been anticipated in theory and have already become institutionalized beyond their control. In this way, the theory deprives the citizens of too many of the insights that they would have to assimilate anew in each generation" (Habermas 1995, p. 128).

¹⁷ Habermas (1995, p. 121, emphasis in original) states: "Because Rawls situates the 'question of stability' in the foreground, the overlapping consensus merely expresses the functional contribution that the theory of justice can make to the peaceful institutionalization of social cooperation; but in this the intrinsic value of a *justified* theory must already be presupposed. From this functionalist perspective, the question on whether the theory can meet with public agreement [...] would lose an epistemic meaning essential to the theory itself".

granting stability, then political liberalism as a theory of legitimacy is not able to maintain the essential distinction between the quest for mere stability (where the actual acceptance of principles by real citizens becomes the main focus) and the attempt to establish normatively binding political principles of justice (therefore looking at the ideal acceptability of such principles)¹⁸.

Habermas argues that Rawls looks for modesty in the wrong direction, making a sharp distinction between reasonableness and truth. This move, one of the fundamental features of the political turn in Rawls work, endangers the very quest for an objective account of justice, because the entire PL project is then characterized by an epistemic weakness. For Habermas, the reasonable could be interpreted in two ways:

- a. As a synonym for moral truth (there would be a mere lexical difference with truth).
- b. As the ability, shared by reasonable citizens, to acknowledge and respect the fact of pluralism. Reasonableness is the aspect of human reasoning that is conscious of the burdens of judgment and that, therefore, provides reasons for explaining why reasonable disagreement among fallible agents is a genuine possibility. According to this interpretation, reasonableness is both a moral and epistemic virtue that motivates reasonable agents to deliberate publicly without trying to impose their own comprehensive doctrine to the whole constituency, therefore limiting themselves to the use of the predicate reasonable rather than the predicate truth while assessing political conceptions.

Habermas claims that Rawls favours the second interpretation of reasonableness (b), even though he never provides a fully-fledged account of the epistemic connotations of the term “reasonable”. Keeping the epistemological analysis on the background, employing epistemic notion mostly implicitly, Rawls, according to Habermas, fails to provide an exhaustive account of his justificatory strategy. Since Rawls does not properly investigate the epistemic features of the virtue of reasonableness, then it is theoretical impossible to argue – as Habermas claims that Rawls intends to do – that in the political domain the predicate reasonable should have priority over the predicate truth¹⁹. Furthermore, Habermas maintains that the only correct way for establishing the limit of reasonableness is through a political debate that involves real citizens here and now. To conclude, Habermas states that

¹⁸ “The risk here is of Rawls confusing overlapping consensus as a normative device able to support moral stability and overlapping consensus as an empirical fact able to support just social stability. In these terms, the overlapping consensus would oscillate between a ‘cognitive role’ and a mere ‘instrumental role’” (Maffettone 2010, p. 182).

¹⁹ For a specific epistemic interpretation of the virtue of reasonableness, see Liveriero 2015.

his theory is more modest, as the legitimacy of political decisions is granted through intrinsically procedural procedures and then most of the questions are left to be answered by real citizens. However, Habermas claims that his theory is also more ambitious than the Rawlsian one, as he wants to demonstrate that, starting from an unconstrained disagreement – given the postmetaphysical context in which we are living –, through the communicative action, and the use of the discourse principle, it is possible to reach a superior stage of impartiality where epistemological abstinence is prevented, since the justified principles are definable as truth-claims, where truth is defined as cognitive validity²⁰.

3.3. JUSTIFICATORY POPULISM

The third and last critique raised against Rawls conception I analyse in this work is the one developed by Gerald Gaus in his *Justificatory Liberalism* (1996). Starting from an extremely demanding notion of public justification, Gaus develops his own account of liberalism, that he defines “justificatory”, since it requires an ultimate and intelligible justification for any coercive act. In contrast with political liberalism, Gaus, starting from the presumption in favour of liberty (Mill [1859] 1979; Nozick 1974)²¹, investigates the libertarian insight according to which any limitation to my own freedom must be ultimately justified to me with arguments and reasons for me intelligible²². In the attempt to provide an exhaustive account of which justificatory strategies can be implemented for justifying any kind of coercive act²³, Gaus defends a paradigm that does not distinguish between constitutional and post-constitutional aspects of a theory of justice²⁴, and he expressly claims that his version of liberalism requires a normative theory of justification, a theory that “appears to call for a moral epistemology, in the sense of an account of the conditions for justified moral belief, or at least justified adherence to social principles. Indeed, even leaving aside the fact of actual disagreement over liberal principles, one would expect that a conception

²⁰ For an exhaustive analysis of this topic, see Maffettone 2010, pp. 180-184.

²¹ “The basic idea, then, is that freedom to live one’s own life as one chooses is the benchmark or presumption; departures from that condition— where you demand that another live her life according to your judgments—require additional justification. And if these demands cannot be justified, then we are committed to tolerating these other ways of living” (Gaus 1996, p. 165).

²² For perspective similar to Gaus’s, see Eberle 2002; Vallier 2011, 2014, 2016.

²³ “the clarion call of justificatory liberalism is the public justification of coercion” (Eberle 2002, p. 54).

²⁴ “public reason principle applies to *all* instances of governmental coercion. The important contrast for justificatory liberalism is not between types of governmental activity, say, activity that aims to promote conceptions of the good and activity that aims to secure justice, but rather between instances of governmental coercion, irrespective of subject matter, that can be publicly justified and those that cannot” (Wall 2010, p. 127, emphasis in original).

that puts justification at the very core of political philosophy would proffer an explicit and rich theory of moral and political justification” (Gaus 1996, p. 3).

Gaus raises a proper methodological critique to Rawls, claiming that any version of political liberalism, embracing the method of epistemic abstinence, is doomed to fail in the attempt to provide a normative theory of justification, because it is actually impossible to reach this goal eschewing an epistemological analysis. Moreover, Gaus believes that genuine disagreement is a fact of human life that touches both political and epistemological matters, making impossible to circumscribe reasonable disagreement just to political conceptions, leaving aside epistemological debates²⁵. The distance between justificatory liberalism and political liberalism is quite wide, as these two paradigms call for two different models of political legitimacy. With regard to the specific focus of this article, it is important to highlight that one of the most fundamental differences between these two versions of liberalism lies on the different approach they defend for dealing with epistemological disputes. According to Rawls such disputes can be overlooked when focusing on a strictly political account of public justification and on the attempt to legitimate a political conception to be robust vis-à-vis as many reasonable comprehensive doctrines as possible. By contrast, justificatory liberals believe that epistemological disputes are intrinsically political, because it is not possible to keep epistemological disagreements completely detached from the provision of a normative theory of justification²⁶.

Specifically, Gaus criticizes Rawls for an alleged inability of political liberalism to properly distinguish between two fundamental goals of liberalism: on the one hand, providing good philosophical arguments for granting an ideal acceptability of its principles of justice and, on the other hand, being sensitive to the problem of assuring the actual acceptance of principles by real citizens here and now. Public justification must be actually achieved and, at the same time, be based on good reasons. This specification partly recalls the inner tension of the liberal paradigm that I exposed previously. Rawls tries to solve this tension reducing the scope of liberalism itself, providing solid arguments for the legitimacy of a robust conception of justice and yet trying to avoid any metaphysical and epistemological dispute. Gaus claims (1996, pp. 130-131) that political liberalism, in the effort to eschew such

²⁵ “If public justification is the core of liberalism (as I believe it is), and because there is no such thing as an uncontroversial theory of justification, an adequately articulated liberalism must clarify and defend its conception of justified belief—its epistemology” (Gaus 1996, p. 4).

²⁶ “To settle on a particular conception of public justification, it is therefore necessary to settle questions, at least to our own satisfaction, which are themselves properly political questions. The project of public justification therefore cannot be beyond or prior to politics itself. It is not a meta-political project, as some have wishfully thought; it is, rather, itself a part of properly political argumentation” (D’Agostino 1992, p. 158).

disputes, gives up the normativity of justification all together. Gaus believes that any accounts of legitimacy that gives priority to the actual acceptability of political principles by real citizens over the possibility of establishing good normative reasons in favour of the political conception is nothing more than a refined version of *justificatory populism*²⁷. According to Gaus, even though Rawls has no intention to defend any version of populism, his account of political liberalism, refusing to provide an exhaustive account of the epistemic and normative aspects of the justificatory procedures, ends up being pretty similar to those populist accounts that look for a theory of justice that can result consistent with citizens' motivational sets, without worrying for the introduction of sound philosophical arguments that might intervene and improve such motivational sets.

The epistemological abstinence that characterizes Rawls' political liberalism involves for Gaus an irrecoverable normative weakness, because Rawls is not able to provide citizens with adequate reasons for recognizing the intelligibility and value of ideal arguments when facing disagreements over political matters. If the epistemic criteria of acceptability are drawn only from common sense, rather than established through an epistemological analysis, then it is impossible to prevent the collapse of the normative arguments for acceptability over the quest for actual acceptance²⁸.

4. RESCUING EPISTEMOLOGY

In the previous section I discussed three critiques against the attempt by Rawls to publicly justify a strictly political version of liberalism, leaving aside disputes concerning metaphysical and epistemological matters. Raz, Habermas and Gaus, notwithstanding their different theoretical perspectives, all agree on the fact that political liberalism is characterized by a methodological weakness due to the lack of

²⁷ Christopher Eberle (2002, p. 200) defines populist versions of liberalism in this way: "take citizens as they are: the default populist position is that a rationale R counts as a public justification only if the members of the public find R acceptable in light of their existing [subjective motivational sets], irrespective of their epistemic pockmarks and doxastic defects".

²⁸ "I have argued that Rawls and Macedo advance a populist theory of public reasoning: Genuine public reasoning is characterized as what is sanctioned by commonsense reasoning. This, I have argued, is not an accidental feature of political liberalism, but arises directly out of the aim to articulate a stable conception of justice, the justification of which citizens will be able to appreciate and by which they will be convinced. But overwhelming evidence indicates fundamental divergences between commonsense-sanctioned inferences and normatively appropriate inferences. Consequently, Rawls's and Macedo's populist theory of public reason can generate arguments that are widely accepted but are not justificatory, while arguments that are based on shared bridgehead norms may be resisted by many" (Gaus 1996, p. 136).

an adequate epistemological analysis in support of the general justificatory framework. In the second part of this article my goal is to amend for this methodological fault, outlining an epistemic framework that I believe can properly fit the Rawlsian paradigm. I lay out this epistemic framework starting from some specific epistemological features that Rawls has debated along the years, namely the method of reflective equilibrium and the normative connotation derived from the reference to a context and a political culture historically established. In analysing such issues, I focus primarily on two aspects of moral epistemology: the establishment of an adequate justificatory structure and the agent-related features of justification. I deliberately leave aside the debate concerning the ontological status of moral facts, because I agree with Rawls that, for establishing a legitimate conception of justice, it is not necessary to publicly solve the disputes that concern moral ontology. I share Raz, Habermas and Gaus call for an adequate epistemological analysis, but I also believe that such analysis should focus on specific methodological and epistemic concerns (i.e. Which is the most adequate structure of justification for political judgments? Is it important to distinguish between agent-related and impersonal reasons? Is fallibilism an adequate account of human abilities in assessing evidence and establishing knowledge?) rather than dwells on ontological disputes. Specifically, I want to argue, *pace* Rawls, that political liberalism cannot be robust *vis-à-vis* different theories of justification, because it is required that as theorist we take a stance regarding the epistemological framework we use while developing a specific theory of political legitimacy. However, the same argument does not apply to ontological disputes as well. In order to defend a specific political conception on which validity citizens can agree upon, it is not necessary to publicly establish whether moral facts are independent realities, outcomes of a procedure of construction, supervening facts over natural facts, etc.

In exposing some of the reasons that motivated Rawls to propose a political turn in his approach to political legitimacy, I highlighted the fact that the theory developed in PL specifically tries to be consistent and attuned with the actual circumstances of justice. However, the actual circumstances of justice are composed by historical, sociological and anthropological facts as well as by epistemological aspects. Rawls deals with these epistemological aspects of the actual circumstances of justice through the exposition of the burdens of judgment, “hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life” (Rawls 1996, p. 56) that explain why reasonable agents permanently disagree about many matters of politics and life²⁹. Thanks to the

²⁹ Rawls describes (1993, pp. 56-57) six sources of reasonable disagreement that he defines as the burdens of judgment.

description of the burdens of judgement as a stable circumstance of our social life, Rawls can then proceed in defining disagreement as an inescapable fact of the political domain and, even more precisely, as a proof that liberal and democratic societies function well, allowing citizens to enjoy equal liberty of conscience and freedom of thought. Disagreement is not something we – as citizens and as politicians or political theorists – can circumscribe as an irrelevant matter, or simply describe as the outcome of flawed procedures of reasoning or as a fact provoked by the unreasonable attitude of citizens³⁰. In fact, recognizing the burdens of judgments implies the acceptance of the fact that even reasonable people can disagree among them.

The analysis of the burdens of judgment introduced by Rawls, in my opinion, is not sufficient for providing an exhaustive appraisal of the actual epistemic circumstances of justice. Something more should be said for properly clarify the epistemic circumstances in which agents confront each other with opposing opinions (Anderson 2006, 2008; Biale and Liveriero 2017; Peter 2008). A model of political legitimacy, to prove feasible as well as desirable, has to define justificatory standards that actual democratic systems can strive for and achieve (or at least reasonably aim to achieve) in practice. Indeed, an account of democratic legitimacy that depends upon idealized circumstances cannot guide actual democratic procedures efficaciously because it sets standards and goals that actual democratic systems cannot reasonably aim to achieve. For example, assuming an ideal perspective about agents' epistemic capacities or concerning the social procedure for the appraisal of evidence is problematic for at least two reasons. First, an account of democratic legitimacy needs to ensure effectiveness – that is, it must justify a set of decision-making procedures that can efficaciously deal with democratic pluralism and disagreement. Second, as Gaus clearly states, any normative theory of justification should clarify which are the adequate epistemic criteria for evaluating the justificatory procedures publicly employed in the political domain.

Gaus' analysis is extremely helpful because he actually takes a stance with regard to many epistemological disputes that Rawls believes can be left aside in the attempt to provide a full justification for a political conception of justice. I agree with Gaus that such disputes are not irrelevant within the process for building up an exhaustive normative account of justification and that, therefore, any model of political

³⁰ As Rawls (1993, p. 58) states: “many of our most important judgments are made under conditions where it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion. Some conflicting reasonable judgments (especially important are those belonging under peoples' comprehensive doctrines) may be true, others false; conceivably, all may be false”.

legitimacy should clarify its own epistemology. For this reason, in the next sections I introduce and defend an epistemological paradigm that I believe is well-suited for supporting a justificatory framework such as the one outlined by Rawls. I define such paradigm as a *moderate epistemic account*: that is, a fallibilist account of knowledge and humans' epistemic capacities connected to a coherentist theory of epistemic justification.

First of all, the primary purpose of an epistemic account is to specify which kind of reasons are good reasons for an agent S for believing what she believes. Moreover, in the political domain, a justificatory procedure should provide agents with good reasons for choosing among different political principles and/or collective choices. The agent plays a fundamental deliberative role within the justificatory process, as she is the ultimate authority for determining which is the belief or principle she is going to uphold. The moderate epistemic perspective I defend stresses the role played by the agents, instead that referring primarily to the value and the validity of justificatory reasons *per se*³¹. The relevant feature of the procedure of justification is not its connection with a truth-conducive argument; rather its value lies in the provision of sound reasons within a selective procedure for establishing collective decisions.

According to this moderate view, the epistemic role of justificatory arguments is not exhausted by the introduction of a set of reasons R that provides a propositional justification for believing that *p*. Rather, if the epistemic value of a justification is partly drawn from the assessment of agents' deliberative processes, then any evaluation of justificatory processes should involve an *agent-relative analysis* that looks at the way in which an agent S might include, within her doxastic system of beliefs, the believe that *p*. In this regard, it is helpful to expose a classic epistemic distinction between *propositional justification* (i.e. the analysis of the adequacy of the set of reasons R in favour of the belief that *p*) and *doxastic justification* (i.e. the analysis of whether a specific agent is personally justified in holding that *p*, given her doxastic system of beliefs, her point of view, her experience, her informational background, her

³¹ In this regard, I think it is worth mentioning that one the most important critique that Rawls develops against intuitionism is that such approach leaves not enough space to the agent's deliberation within the procedure for determining the principles of justice. See Rawls (1993, p. 92): "The third feature concerns the sparse conception of the person. Although not explicitly stated, this feature may be gathered from the fact that rational intuitionism does not require a fuller conception of the person and needs little more than the idea of the self as knower. This is because the content of first principles is given by the order of moral values available to perception and intuition as organized and expressed by principles acceptable on due reflection. The main requirement, then, is that we be able to know the first principles expressing those values and to be moved by that knowledge".

employment of epistemic norms, etc.). While propositional justification refers to the conditions under which a proposition can be proved to be justified independently of what an agent believes, doxastic justification accounts for the deliberative process through which an agent justifiably holds her beliefs³². According to this epistemic distinction, the provision of a set of sound reasons R is not a sufficient condition for the agent S to correctly believe that p . Agent S might believe that p for different, and unjustified, reasons or, even, do not accept the set of reasons R as acceptable within her doxastic system³³. Consequently, a doxastic justification is usually defined as a justification in which non-doxastic justification is coupled with a basing requirement, that is the fact that agent S bases her belief on the reasons that propositionally justify it³⁴.

This epistemic distinction between propositional and doxastic justification is extremely important for understanding the value of the moderate epistemic perspective about justification I am about to define. From the epistemic perspective, in fact, it is possible that sometimes a moral agent is justified in holding a belief, even if from an external epistemic perspective, such belief is not warranted. In order to understand this epistemic tension, it is useful to introduce a quite common epistemic distinction between two fundamental concepts (see De Paul 1993, p. 5; Skorupski 2000, p. 121; Wedgwood 2007, pp. 154-158):

- i. *Judgement*, i.e., activity that pertains to the epistemic appraisal of the judger. It is a subjective epistemological notion governed by the rational connections among different agents' internal mental states. Even if subjective, this epistemic activity of producing judgements is ruled by normative criteria (e.g. being correct or incorrect; meeting rationality constraints, etc.) and therefore epistemic justified beliefs are those beliefs that is rational to believe.
- ii. *Warrant*, i.e., is a feature of the relation between agent's judgements and the external world. In this regard, the notion of warrant is more an objective or external criterion. If a judgement is subjective, even when it has been produced according to epistemic normative criteria, then its correctness depends on some epistemic warranties that are in some senses independent from the subject. "Epistemic

³² For exhaustive analyses of the value of doxastic justification in moral epistemology, see Gaus (1996, pp. 32-35), that distinguishes between closed and open justification, and Timmons (1993, 1996).

³³ "The way in which the subject performs, the manner in which she makes use of her reasons fundamentally determines whether her belief is doxastically justified. Poor utilization of even the best reasons for believing p will prevent you from justifiedly believing or knowing that p " (Turri 2010, p. 318).

³⁴ "S's belief that p at time t is [doxastically] justified (well-founded) iff (i) believing p is justified for S at t ; (ii) S believes p on the basis of evidence that supports p " (Feldman 2002, p. 46).

warrant is whatever, when added to truth and belief, makes knowledge. Knowledge is true, epistemically warranted belief' (Markie 2010, p. 72).

I introduced this epistemic distinction to argue that, according to a moderate epistemic account of practical knowledge, justification and warrant may be contingently related, but never necessarily so. Even though the doxastic justification is still a justification for believing true a certain proposition p , a moderate epistemic account of justification stresses how difficult it is to grant warranted knowledge starting from the limited perspectives of agents. In order to fully evaluate the justifiability of S's belief about p we have to assess, first, the set of reasons R that are available to S to justifiably believe that p and, second, the deliberative performance provided by S in actually assuming p as a valid belief within her doxastic system of beliefs. The doxastic presupposition has a strong impact on the overall evaluation of the epistemic status of agents' beliefs³⁵. Indeed, once it is demonstrated that a non-doxastic standpoint is beyond our reach as epistemic agents, it follows that it is possible for S to be doxastically justified in holding the belief that p , even if, from a non-doxastic perspective, p is not warranted. The epistemic gap between justification and warrant is determined by different factors, not necessary correlated. First, often it derives from our limited cognitive capacities *qua* human beings. Second, it is important to highlight that the appraisal of evidence is often a social and diachronically oriented process (Peter 2013a and 2013b; Sosa 2010), as it is quite impossible that a single agent might actually attain a full disclosure of evidence. When debating complex evidence, it is highly unlikely—if not impossible—that any agent can claim a full appraisal of the evidence at stake, since evaluative beliefs and epistemic norms are always involved in the deliberation as well (Feldman 2002, 2006; Goldman 2010). Third, and most importantly, starting from the acknowledgment of humans limited epistemic capacities to attain a full disclosure of evidence, it is then possible to introduce a fallibilist account of practical knowledge. Along the lines of the epistemic distinction between justification and warrant, it is coherent to claim that fallible agents can achieve knowledge but that such knowledge is compatible with the possibility of error. To clarify this point, it is important to distinguish between two meanings of “knowing”:

1. If S knows p , then S is not mistaken about p .
2. If S knows p , then S could not be mistaken about p .

Fallibilism accepts (1) and rejects (2). As a matter of fact, definition (2) implies the overly demanding epistemic standard of the *impossibility-of-error*, according to which “to know something requires that it be that sort of thing that you could not be mistaken about” (Feldman 2002, p. 125). A fallibilist account of knowledge

³⁵ For further analyses see Brink 1989; Feldman 2002; Turri 2010.

maintains that it is possible for agent S to be justified in knowing that p , even if S's full body of evidence for p does not necessarily entail that p is true. According to fallibilism, genuine knowledge is compatible with the possibility of error because agents' epistemic processes for disclosing evidence can never achieve certainty. Consequently, fallibilism holds, the reasons an agent can hold in her doxastic system of beliefs may possibly be very good, but never warranted as true.

The three epistemic aspects I have just detailed provide an adequate account of the non-ideal epistemic circumstances of justice around which is then required to build up an epistemic account of justification. Indeed, I believe that it is not possible to overlook these circumstances when engaged in the attempt to provide an epistemic account for a theory of political legitimacy such as the one defended by Rawls in PL. From a fallibilistic account of practical knowledge stems a modest attitude about the possibility that citizens might reach an agreement in identifying standards of rightness partially independent of both the decision-making procedures and the participants' beliefs. Moreover, there are good epistemic and normative reasons for arguing against the possibility that a political conception or principle can result fully justified if the justificatory procedure lacks any provision of agent-relative reasons. Since a non-doxastic perspective is out of reach in the social and political domain (given the doxastic presupposition and the limits to the full appraisal of evidence we share as fallible knowers), then it would be disrespectful toward the members of the constituency to do not take into consideration their perspective when they are involved in the public processes for determining and justifying political decisions. To conclude, a political conception, to be fully justified, should prove its consistency with the different doxastic systems of beliefs that reasonable members of the constituency held privately. This conclusion is coherent with Rawls' definition of overlapping consensus as the justificatory stage in which the political module is in fact proved compatible with the comprehensive doctrines supported privately by reasonable citizens³⁶. According to Rawls, reaching the overlapping consensus is the only way for granting full justification to the political conception, while, at the same time, respecting the personal perspective (and the agential status) of reasonable citizens that genuinely disagree between each other. In the next section I introduce and discuss a specific theory of epistemic justification, coherentism, that I claim is the epistemological theory that, implicitly, Rawls employs in his determination of the method of reflective equilibrium and in his development of the notion of overlapping consensus.

³⁶ For an exhaustive analysis of the role played by overlapping consensus within Rawls' justificatory strategy, see Quong 2011 and Rawls 1987, 1995.

5. A COHERENTIST THEORY OF EPISTEMIC JUSTIFICATION

In the first part of this work I discussed the model of legitimacy defended by political liberalism claiming that it is true that the philosophical and motivational requirements of such an account are in tension. Indeed, we have seen that the more political liberalism attempts to become ecumenical, the more the theory loses philosophical strength and relevance. While it is important to focus the analysis on the attempt to solve disagreement respecting the agency of every member of the constituency, still, this could not be the only goal of political liberalism. For a liberalism that merely tries to tame disagreement is a liberalism that has lost one of its fundamental scope, to wit, the establishment of a normative framework of reasoning for determining and publicly justifying political decisions.

Rawls' articulation of a strictly political account of liberalism, neutral with regard both to metaphysical and epistemic theories, can be described as an attempt of establishing a model of political legitimacy that looks at both philosophical and realist aspects of such intersubjective enterprise. However, following the path of other thinkers, in this work I criticize the epistemic abstinence that follows from Rawls decision to provide a freestanding philosophical justification in support of the political conception. I do not believe that it is possible to achieve a full justification of a specific conception of justice if, meanwhile, the theory abstains from explaining the epistemic method that is employed in the justificatory processes. In this regard, I firmly distinguish between metaphysical and epistemic abstinence. On the one hand, I believe that Rawls is right in abstaining from metaphysical disputes, on the ground that it is possible to be neutral with regard to the disagreement over the ontological status of moral facts while deliberating over political matters. On the other hand, in this article I claim that the same methodological abstinence is detrimental if used to eschew epistemological disputes. Hence, the main goal of this work is to define an epistemic paradigm that can be fruitfully used to support a Rawlsian-like account of liberal legitimacy and political justification.

In the previous section I specified the actual epistemic circumstances of justice (i.e. doxastic presupposition; mediated appraisal of evidence; fallibilistic account of practical knowledge) and I introduced a general account for a moderate epistemic view that I believe fits quite well the political context of real democracies. In this section I want to discuss coherentism, a specific theory of epistemic justification, that, according to my interpretation, constitutes the implicit epistemic background in support of the justificatory framework defended by Rawls in PL.

Coherentism is a theory of justification according to which there are not foundational beliefs, because all justified beliefs are inferentially justified. The agent S is justified in holding the belief that *p*, if and only if, *p* is part of a coherent system of beliefs and therefore *p* can be *inferentially justified* through the justificatory relations that connect beliefs that are part of the same coherent system. The fundamental

methodological principle sustained by coherentism claims that justification should always take in consideration the whole coherent system, as no assessment or justification is available when the propositional justification of a single belief is evaluated alone³⁷. It is essential to clarify that a coherentist justification does not simply require logical consistency among the beliefs of the doxastic system. Logical consistency is a necessary condition, but not a sufficient one as well. As a matter of fact, we can have completely consistent systems that are still false³⁸. For this reason, a coherentist theory of justification requires that the mutual support among beliefs establishes coherence as well as explanatory connections. In this regard, David Brink claims (1989, p. 103) that “the degree of a belief system’s coherence is a function of the comprehensiveness of the system and of the logical, probabilistic, and explanatory relations obtaining among members of the belief system. In particular, explanatory relations are an especially important aspect of coherence”.

In clear opposition with coherentism there are foundationalist theories of epistemic justification. According to foundationalism, all justified beliefs are either basic or derived from some basic beliefs. Following foundationalism, an agent S is justified in believing that *p* if and only if *p* is either non-inferentially justified, or it is derived from a basic belief. A foundational theory of justification claims that only those beliefs that are foundational or that are inferentially derived from such foundational beliefs are justified. A moral or political conception grounded and justified through a foundational procedure depends on some beliefs – at least one - that are non-inferentially justified and therefore are warranted, no matter what³⁹.

³⁷ This methodological epistemic principle can be defined as holistic. Quine (1951) famously defended such notion, claiming that a scientific theory cannot be tested in isolation, because it is part of a web of theories that mutually support each other. Another slightly different perspective about holism is the one provided by Jonathan Dancy. Dancy (2004, p. 7) claims that holism, as a theory of reasons, implies that “a feature that is a reason in one case may be no reason at all, or an opposite reason, in another”.

³⁸ For example, both astronomy and astrology are coherent systems of beliefs. Therefore, consistency alone is not a sufficient condition for discriminating between the correctness and the incorrectness of alternative, but equally coherent, systems of beliefs. However, coherentism is a justificatory strategy that, involving epistemic relations among beliefs at different levels of the holistic system, is able to provide reasons in favor of the fact that: i. even though astrology can be supported by a consistent system of beliefs, there are not evidential connections between these beliefs and the external world; ii. there are good reasons for choosing astronomy over astrology as a general and adequate theory that accounts for astronomical phenomena because astronomy, as a sub-set of beliefs, is coherent with many other beliefs and back-ground theories concerning the physics of celestial bodies; the reliability of human observations; the scientific method; etc.

³⁹ A good example of a realist account of moral facts employed for foundationally justified a political conception is the one provided by Gerry Cohen. Cohen (2003, p. 214, emphasis in original) claims that: “a principle can reflect or respond to a fact only because it is also a response to a principle that is not a response to a fact. To put the same point differently, principles that reflect facts must, in order to reflect facts, reflect principles that don’t reflect facts”.

There are two important arguments that have been introduced for criticizing the validity of coherentism as an adequate theory of epistemic justification (Brink 1989; De Paul 1993; Timmons 1987):

- a regress argument;
- a sceptical argument.

The *regress argument* objects to coherentism that its procedure of justification leads to an infinite regress because, if every belief is justified inferentially, then the inferential chain would be endless. According to the regress argument, a coherent procedure of justification can be explained through this scheme:

- i. belief p is justified given that q ;
- ii. q is a justificatory premise that needs to be justified itself;
- iii. q is justified given that r ;
- iiii. r is justified given that s ;
- iiii. and so on, *ad infinitum*.

A foundationalist theory of epistemic justification, by contrast, never risks producing an infinite regress, since every inferential chain is stopped by a self-justifying belief. In this regard, we can outline different schemes of argumentation concerning justifications (Brink 1989, pp. 115-122):

- (a) every justification is both linear and inferential;
- (b) every justification is inferential, but not all of them are also linear;
- (c) every justification is linear, but not all of them are inferential.

According to the regress argument, just the option (c) is able to avoid any possible infinite regress. The option (c) represents the justificatory structure that is employed by a foundationalist theory of justification. With regard to coherentism, by contrast, it is reasonable to wonder whether a coherentist perspective is represented by the scheme (a) or (b). The scheme (a) is clearly unable to avoid an infinite regress. As a matter of fact, if every inferential deduction is also linear, then the inferential chain is never-ending⁴⁰. Is (a) the correct scheme for describing a coherentist procedure of justification? If we defend a sophisticated theory of coherentism, one in which some epistemic constraints are respected, then we can affirm that coherentism is well described by (b), rather than by (a). A coherentist theory of justification might avoid the risk of infinite regress thanks to the fact that the justificatory connections among different beliefs are not like a linear chain, rather they are well represented by the image of a holistic web. Within a coherent system, beliefs epistemically support each other always through inferential arguments. However, the *mutual support scheme* it is not necessary linear, because it is possible to have a web of beliefs in which the epistemic connections are circular, rather than linear. Within this coherent holistic web, we can encounter situation in which a belief q is justified through the reference to some other beliefs ($s; r; p$) that are justified thanks to some other beliefs ($x; t; y$) whose justification is at the end in some way justified also by the reference to belief q . However, in order to avoid a vicious circularity, the coherentist method requires that the procedure of justification must respect an *independence constraint* (see Daniels 1996; De Paul 1993) according to which if a set of

⁴⁰ According to Brink, the argumentative scheme outlined by (a) will lead to skepticism, given that humans, being finite epistemic agents, cannot hold an infinite number of beliefs.

beliefs (Q) is sustained thanks to the justificatory support received through the consistency and epistemic correlations with sections of the systems of beliefs (S) and (Z), then some interesting, non-trivial portions of the set of justificatory beliefs in favour of (Z) must be disjoint from the set of justificatory reasons in support of (S). All beliefs within the coherent system mutually support each other, but some justificatory chains should be disjoint from others, so that the independent constraint is respected.

The *sceptical argument* is a challenge for both foundationalism and coherentism. However, I suppose that the sceptical challenge is one of the reasons why common-sense attitudes are inclined to consider foundationalism as more adequate within the domain of moral reasoning. According to this common-sense argument, foundationalist theories of justification, assuming the existence of at least one non-inferential, justified moral belief, are more adequate for coping with sceptical arguments. In this regard, there is the possibility to spell out a specific version of the sceptical argument that criticized coherentism for its alleged impossibility to guarantee an evidential connection between beliefs and the external world (*no-contact-with-reality objection*):

- i. If we are to answer sceptical doubts, justified beliefs must rule out sceptical scenarios.
 - ii. Hence, justified beliefs must be true.
 - iii. Purely inferential accounts of justification cannot ensure contact with reality.
 - iv. Hence, purely inferential accounts of justification cannot ensure that justified beliefs are true.
 - v. Coherentism is a purely inferential account of justification.
-
- vi. Therefore, coherentism cannot answer sceptical doubts.

According to this argument, coherentism is not an adequate theory of epistemic justification, because the inferential justificatory structure is not able to rule out sceptical scenarios. This outcome is consistent with the general epistemological framework I am defending in this work. As I debated in the previous section, since coherentism provides an account of epistemic justification that refers both to propositional and doxastic aspects of justification, then the fact that the epistemic relation between justification and warrant is not necessarily guaranteed is a reasonable outcome. If we take seriously the actual epistemic circumstances of justification, then the assumption (ii), namely the fact that justification must guarantee true, appears as overly demanding, as it presupposes unreasonably high standards for human knowledge. Brink refers to this assumption as *objectivism about justification*; an assumption according to which “justification for believing p is justification for believing p to be true” (Brink 1989, p. 106). Objectivism about justification maintains that it cannot be the case that a justified belief is not at the same time also

a true, warranted belief⁴¹. I have already claimed that even though it is correct to see justification as a reliable evidential path toward truth, still there are good epistemic arguments for rejecting a more demanding conclusion, namely the fact that justification must guarantee truth. Knowledge implies truth, but justification does not. In this regard, coherentism is an epistemic theory that, assuming a realistic stance toward our epistemic abilities as finite agents, takes the sceptical challenge seriously. Indeed, once it is established that even idealized justification might not correspond with truth (given the logical gap between justification and warrant), then it appears that arguments of irreducible scepticism are always raiseable. For example, it can always be the case that our perceptions have been misled by a Cartesian evil demon⁴² or that we are nothing more than brains in vats (Putnam 1981). Indeed, the fallibilist account of knowledge proves that it could be the case that agent S may not really be justified (from a strictly propositional perspective) in believing that p , despite the fact that such belief is justified given agent S's current system of reasons and beliefs. Therefore, it is impossible, given our limited epistemic abilities, to get rid of any sceptical scenarios. However, it is essential to highlight that sceptical possibilities bear on our knowledge claims (epistemically warranted true beliefs) and not on justification claims. "Sceptical possibilities make the truth of our knowledge claims (or at least those subject to sceptical doubt) contingent. If we are brains in vats or the playthings of Cartesian demons induced to have beliefs with which realist second-order beliefs cohere, then we cannot have knowledge, because knowledge implies true belief. But we can nonetheless have justified beliefs" (Brink 1989, p. 129).

Taking epistemological scepticism seriously does not imply that we have to reject any attempt to build up a satisfactory theory of justification. This is exactly what coherentism tries to do. It takes the sceptical challenge seriously and defends the possibility that human beings can establish genuine knowledge, granted the fallibilistic clause⁴³. Coherentism, therefore, rebuts the sceptical argument through an *indirect strategy*. The indirect strategy rejects the assumption (i) – ("If we are to answer sceptical doubts, justified beliefs must rule out sceptical scenarios") in order, then, to reject objectivism about justification (ii). Coherentism is an adequate theory of epistemic justification not because it rules out any sceptical scenarios and meets the

⁴¹ Brink (1989, p. 106) claims: "Now realism and objectivism about justification provide an antisceptical argument for foundationalism. For only an account of justification that includes non-inferential justification can possibly guarantee that our justified beliefs accurately describe a world whose existence and nature are independent of our beliefs about it".

⁴² Descartes in the *Meditations on First Philosophy* (1992 [1642], p. 29) states: "I shall, then, suppose that not the optimal God – the font of truth –, but rather some malign genius – and the same one most highly powerful and most highly cunning –, has put all his industriousness therein that he might deceive me: I shall think that the heavens, the air, the earth, colours, figures, sounds and all external things are nothing other than the playful deceptions of dreams by means of which he has set traps for my credulity".

⁴³ Keith Lehrer (in Dancy, Sosa, Setup (eds.) 2010, p. 281) on this matter states: "A defender of coherentism must accept the logical gap between justified belief and truth, but she may believe that her capacities suffice to close the gap to yield knowledge. That view is, at any rate, a coherent one".

requirement of objectivism about justification. Rather, coherentism is a theory of justification that, being consistent with the actual epistemic circumstances of justification, sustains the validity of the justificatory procedures, without arguing in favour of their irresistibility. This conclusion is extremely relevant, as it shows that the fundamental issue at stake, when dealing with the actual epistemic circumstances of justification, is the determination of which structure of justification we estimate to be the most adequate given our epistemic abilities, rather than the attempt to rule out any sceptical scenarios as logically impossible. Since our access to the world is always mediated, coherentism indirect strategy for facing radical scepticism involves the rejection of the assumption, that foundationalism necessarily should hold true, that justified beliefs must be true.

I maintain that a fallibilist account of knowledge, when coupled with a coherentist theory of justification and along with the awareness that it is not possible to reach a full justification without introducing agent-relative reasons, provides an adequate epistemic account for the political domain. Moreover, a moderate epistemic account as the one I am defending here is able, much better than other over-demanding epistemological paradigm, to deal with the fact of disagreement. Such a paradigm provides us with good epistemic reasons for assuming that political disagreement must be described as the proper expression of citizens' freedom and equality rather than as the outcome of a defective deliberative procedure. By contrast, if one holds a foundational account of justification, then disagreement can derive from nothing but the recognition of the fact that "at least one of the protagonists has to be guilty of a deficiency in the way he arrives at his view, or to be somehow constitutionally unfit" (Wright 1995, p. 222). Indeed, if the justificatory structure hinges on the discovery of self-evident, infallible, moral truths, then disagreement can never be defined as genuine, rather must be described as the outcome of a defective deliberation caused by cognitive or epistemic errors or lack of adequate information by some of the agents involved in the deliberation.

To conclude, coherentism is not just an adequate theory of epistemic justification for dealing with the actual epistemic circumstances of justification. Rather, coherentism proves to be consistent with moral phenomenology as well, as it is a theory that establishes a sensible narrative of how practical deliberation works and why genuine disagreement arises among reasonable agents that debates over evaluative matters in the attempt to establish public decisions for the political domain. Indeed, we have seen that coherentism provides an adequate technical explanation of why genuine disagreement arises among fallible agents that begin their reasoning from their own specific doxastic (and diachronically formed) systems of beliefs and values.

6. OBJECTIVITY

According to a moderate epistemic account, practical knowledge is partially constituted by epistemic processes that are intrinsically *subject-ive*. Subject-ive is a

term introduced by Peter Railton (1995, p. 263) in order “to express the notion of that which is essentially connected with the existence or experience of subjects, i.e., beings possessing minds and point of view, being capable of forming thoughts and intentions”. The fact that our knowledge is intrinsically subject-ive – as implies doxastic states – does not mean that it cannot still be objective. Yet, the agent-related aspects of the justificatory processes are the features of the coherentist framework that are specifically criticized by the no-contact-with-reality objection. Indeed, if our notion of objectivity is partly mind-dependent, as the justification for believing something derives from the mutual explanatory relations of epistemic support among different beliefs that are held by agents, then the possibility of being wrong is always an option at stake. Following this line of argument, it is possible to distinguish between two slightly different meanings of the sceptical argument. A first account, the *epistemic sceptical thesis*, maintains that even if there are ethical truths, still we cannot know with absolute certainty what they are, given our imperfect epistemic abilities. The *ontological sceptical thesis*, instead, does not assess whether subjects have the epistemic abilities to establish or not ethical truths, since the ontological thesis claims that ethical truths and facts do not exist.

In the attempt to establish an epistemic paradigm to support political liberalism as a general account for political legitimacy and public justification my aim is to defend coherentism as an adequate account of the justificatory processes that characterize the actual exchange of reasons among reasonable citizens. For this reason, what is really relevant from the perspective of epistemic objectivity is to evaluate which kind of knowledge-claims can be purported within a coherentist justificatory framework. This inquiry deals with sceptical scenarios that question the epistemic ability of agents to achieve any objective agent-relative knowledge, rather than focusing on the ontological debates over the existence of moral truths and facts. Along these lines, a significant distinction can be drawn between two different theses regarding the ascription of objectivity:

- a. *an ontological thesis* according to which there are objects or real properties out there to which ethical truths correspond;
- b. *an ordinary practice of morality objectivity* that refutes the ontological disputes and merely claims “that every moral sentence has a determinate status, true or false, and this status is applicable to all interlocutors. Moral disputes, in principle, can be settled” (Dorsey 2006, p. 512).

Within the moderate epistemic paradigm that I am outlining the meaning (b) of objectivity is the one that plays an essential role. It is worth noting that claiming so does not imply the refusal of the ontological thesis as irrelevant or misleading. Rather, a further distinction between a *demanding* (i) and *moderate* (ii) notions of practical objectivity can be introduced:

- i. a moral principle can be objective as far as it implies an ontological assumption according to which there are moral objects or properties to which moral truths correspond;
- ii. a moral principle can also be defined as objective inasmuch the evidence in its favour has been obtained through a deliberative process that respects some

correctness constraints that are determined in the light of the ordinary practice of morality.

According to (i), the alleged objectivity of the moral and political discourse directly derives from the necessity of moral realism being true. By contrast, the moderate version of objectivity (ii) looks at the epistemic intersubjective practice of producing evidence and establishing principles through public justificatory processes. These two accounts must be distinguished, but they are not incompatible. Indeed, they focus their attention on different aspects of what makes a moral proposition “objective” and therefore we can have a theory of justification in ethics that meets both these objectivity requirements⁴⁴. However, what is relevant for me is to prove that engaging in metaphysical disputes concerning the ontological status of moral facts is not necessary for granting the objectivity of the moral discourse – at least in the moderate sense. In a sense, the moderate account of objectivity underdetermines the choice between competing ontological theses with regard to the status of moral facts. This conclusion is indeed compatible with the goal to defend an epistemic general paradigm that could sustain the political liberalism enterprise thanks to an adequate epistemological investigation, while, at the same time not taking a stance with regard to ontological disputes.

Consistently with the general epistemic paradigm I am introducing and defending in this work, I believe that the moderate account of objectivity (ii) is actually a better criterion for assessing political decisions publicly selected and justified. First of all, this moderate account of objectivity is still a robust account, as it establishes that moral and political propositions can be described as true or false and that evaluative disputes, in principles, can be settled. Second, this account of objectivity is coherent with the phenomenology of our ordinary moral practice. Indeed, according to this moderate account, the objectivity of moral and political propositions stems from the normativity attached to the publicly accepted criteria of *epistemic correctness* that are employed in the assessment of the public practices of deliberation. It follows that the objective status of moral and political principles and propositions is granted by the fact that we, as moral agents, evaluate our moral commitments as objective and justified thanks to the reference to a correct-apt deliberative procedure. This kind of objectivity stems from the normative stance, shared by agents, that there is a right answer and that the normativity attached to the “rightness” of this answer rests on the *correctness-apt deliberative procedure* we take part in as moral agents.⁴⁵ Indeed,

⁴⁴ A never-ending debate is in place regarding the complex epistemic relationship between these two criteria for granting objectivity to the moral discourse. See, among others, Brink 1989; Dworkin 1996; Enoch 2010; Railton 1995; Wiggins 1995; Williams 1995, Wright 1995.

⁴⁵ “These contents have correctness conditions that are commonsensically seen as objective in the sense that the content of one’s beliefs is not simply a matter of what one takes it to be - it is not a matter of idiosyncratic will, free stipulation, or spontaneous creation. [...] The puzzle is *how* they might do this: how subjects might, by doing what they do, place themselves within a normative framework that sustains a distinction between what is correct and what is done” (Railton 1995, pp. 275-276, emphasis in original).

moral agents, starting from their agent-relative perspective, namely appealing to their moral judgments and doxastically justified beliefs, try to achieve an extremely relevant goal: an agreement on some general, justified and objective principles of justice. To conclude, the objectivity of practical knowledge can be granted thanks to the “durable satisfaction of the discourse’s internal disciplinary constraints” (Wright 1995, p. 219), such as correctness criteria intrinsic to the moral and political evaluative discourse itself⁴⁶.

This moderate, and yet robust, account of objectivity highlights the normative aspects of the intersubjective processes in which agents exchange reasons in order to find a collective agreement over political decisions. Such practice, through the intersubjective confrontation, aims at producing evaluative judgments and establishing political principles that are publicly accepted as legitimated by the majority of constituency. In this regard, the decision-making procedures are laid out respecting normative constraints that play a relevant role in granting the normativity of the overall processes (see Biale and Liveriero 2017; Forst 2012; Habermas 1996; Maffettone 2010).

An interesting parallelism can be drawn between the productive correct-apt activity of the ordinary practice for determining publicly justified political decisions and the explanatory activity for justifying the epistemic reliability of observational beliefs. In fact, the explanatory activity that attains to descriptive beliefs involves a reference to an intrinsic normativity related to the correctness-apt epistemic activity for justifying such evidence as adequate. The explanatory evidence depends upon the epistemic correctness relative to the doxastic system of beliefs that the believer holds, and yet the correctness criteria for assessing such evidence can be defined as objective. Naturally, the normativity of such evaluative process is drawn on the consistency of the relation of mutual supports among beliefs. Specifically, second-order beliefs connect beliefs at different levels of generality and provide sound reasons for considering our first-order beliefs as reliable. Second-order beliefs include beliefs about different issues: as, for example, beliefs about ourselves as moral agents, beliefs about scientific theories, beliefs about our belief-formation mechanisms, and so on. Second-order beliefs provide *explanatory reasons* in favour of the acceptance of first-order beliefs as epistemically correct⁴⁷. Not surprisingly, the justification of second-order beliefs themselves depends upon evidential connection with other beliefs of the coherent system (see Blanshard 1939; Bonjour 1976, 1985;

⁴⁶ I believe that both Railton (1995) and Wright (1995) support a similar notion of the evaluative practice of morality as intrinsically normative. Railton, however, claims that part of the normativity of the moral discourse stems from a realist account of moral facts as supervenient on non-moral ones. By contrast, Wright maintains that the validity of the moral discourse is established through a discourse-invariant analysis that attests the “superassertibility” of moral truths. The fact that this moderate interpretation of objectivity is supposedly compatible both with a realist account (Railton) and a non-realist one (Wright) backs up my proposal for establishing criteria for ascribing objectivity that do not depend upon ontological theses.

⁴⁷ “We not only hold beliefs about tables and chairs, the sun and the stars; we also hold *beliefs about the technique of acquiring beliefs*” (Blanshard 1939, p. 285, emphasis in original).

Brink 1989; Feldman 2002). Again, this circularity can be explained in the light of the general coherentist paradigm that I have been defending in this article as the most adequate for supporting agent-relative epistemic processes of justification.

7. THE METHOD OF REFLECTIVE EQUILIBRIUM

In this article I claim that Rawls' account of political liberalism lacks an adequate epistemic analysis that support his normative notion of public justification. Then, I proceed in outlining a modest epistemic account that I believe can properly match the justificatory framework defended by Rawls. Now, in this last section I want to discuss a coherentist justificatory method that Rawls employs within his paradigm, namely *reflective equilibrium* (from now on RE). RE is a justificatory method that looks for the establishment of coherence between general principles and particular moral intuitions held by the citizens to whom the general principles should be addressed. The method of RE looks for a coherent balance between some general principles and some *considered moral judgments* held by moral agents. Rawls (1951, p. 183) defines the considered judgement in connection with the concept of a competent judge: "I have defined, first, a class of competent judges and, second, a class of considered judgments. If competent judges are those people most likely to make correct decisions, then we should take care to abstract those judgments in which our moral capacities are most likely to be displayed without distortion". These judgements, then, represent the strong moral intuitions that every moral agent held in her doxastic system of belief. Considered moral judgments, in fact, are doxastic moral beliefs that have been 'purified' from deviating beliefs in order to meet an adequacy constraint (see Daniels 1996; Timmons 1991).

According to Rawls, and consistently with the moderate epistemic account that I defend, a full justification of general principles can be reached only when is proved that they are not incoherent with the strong intuitions about justice held by reasonable citizens in their doxastic systems⁴⁸. Therefore, RE can be described as the procedure that, within the structure of justification, looks for the actual possibility that principles of justice, already supported by a sound philosophical justificatory argument, might be embedded within the doxastic sets of beliefs held by citizens.

Rawls (1971, p. 48) describes RE as a state "reached after a person has weighted various proposed conceptions and he has either revised his judgments to accord to one of them or held fast to his initial convictions". RE is a deliberative procedure

⁴⁸ Steven Wall (2002, p. 387) claims that the proper and most fundamental function of public justification is a reconciliatory action: "Proponents of public justification principle can plausibly claim that the only way in which people in these societies can be reconciled to the political authority that constraints them is to make sure that each person, given his background moral beliefs, has a good reason to affirm, or at least not oppose, this political authority".

in which the intuitions held by agents play a fundamental role within the process of justification. As a matter of fact, the method of RE is the actual expression of the regulative idea that constitute the coherentist framework, namely the fact that no principles or judgments are ever self-evident⁴⁹. RE is a method that provides a justification promoting a back-and-forth readjustment between general principles and specific judgments in order for them to result coherent. Consequently, general principles that are justified thanks to this method, appear to be always open to further revisions, because both the public interpretation of such principles or the considered judgments held by citizens might change over time. Therefore, *intrinsic revisability* appears to be the crucial methodological outcome of RE. Again, this conclusion is coherent with the everyday practice of moral reasoning, where intersubjective and contextually connotated justificatory strategies can justify general principles and political decision as provisional fixed points, rather than as ultimate and immutable truths⁵⁰.

In relation to the epistemic paradigm that I defend here, it is worth noting that the justificatory criterion according to which the principles of justice are fully justified to the extent they do prove to be able to accommodate our moral intuitions about a just society perfectly expresses a coherentist framework of justification. Even if a good philosophical argument can be provided for justifying specific principles of justice, still the *full* justification of these principles depends on the actual possibility that they can be accepted as valid by reasonable citizens that evaluate the justificatory procedures starting from their own doxastic perspectives. RE, as a justificatory method, implies that in moral reasoning no choice between justifiable and unjustifiable principles is possible without taking into consideration agents' perspective as competent judges and without addressing agents' ordinary judgments as the starting elements of the justificatory procedure.

RE is an extremely valuable method as it allows us to envisage a justificatory procedure where both normative arguments and the epistemic circumstances in which an agent tries to evaluate such normative arguments against her doxastic system of beliefs are taken into consideration. RE is the perfect expression of a moderate view about the procedure of justification, for the political conception is justified if and only if achieves coherence with the wide doxastic system of beliefs

⁴⁹ "I do not claim for the principles of justice proposed that they are necessary truths or derivable from such truths. A conception of justice cannot be deduced from self-evident premises or conditions on principles; instead, its justification is a matter of the mutual support of many considerations, of everything fitting together into one coherent view" (Rawls 1971, p. 21).

⁵⁰ "There are questions which we feel sure must be answered in a certain way. For example, we are confident that religious intolerance and racial discrimination are unjust. We think that we have examined these things with care and have reached what we believe is an impartial judgment not likely to be distorted by an excessive attention to our own interests. These convictions are provisional fixed points which we presume any conception of justice must fit" (Rawls 1971, pp. 19-20).

sustained by reasonable citizens⁵¹. RE is both an individual and an unstable equilibrium that each agent should achieve during the process of justifying principles of justice and the coherentist procedure that grants the legitimacy of the whole argument. In this regard, taking into account the Rawlsian argumentative structure as paradigmatic, it is important to highlight that RE could be interpreted as the background method that leads every stage of justification.

In my opinion, RE is an *intrinsically liberal method*, as it is consistent with the recognition of the fact of pluralism and with the assumption that fallible agents will always argue over public relevant matters without necessarily finding the best solution to the conflict at stake. As I have already claimed, the procedure of mutual adjustment between general principles and considered judgments held by moral agents can provide stable results and yet been intrinsically revisable. New evidence can be brought into the picture or a new conflict can raise between different interpretations of the same general principle. However, given the actual epistemic circumstances of justice, RE results as an adequate method for granting public justifiability and practical objectivity to the principles of justice⁵².

8. CONCLUSIONS

My goal in this article was to investigate the epistemic paradigm that supports a normative account of public justification and political legitimacy as the one defended by Rawls. My proposal is that a moderate approach in moral epistemology expresses the best scheme available to us – as moral agents constrained by the limit of our rationality – for establishing a normatively binding, and yet realistic, procedure of justification for political institutions and public decisions.

To sum up, according to a *moderate epistemic view*, agents play a fundamental deliberative role within the justificatory process, as they are the last authority for determining which principle, proposition or new interpretation of an already established principle is more compatible with their wide set of beliefs. This fundamental reference to agents' perspectives depends from the *doxastic presupposition*. The doxastic presupposition, when coupled with a *fallibilist account of*

⁵¹ It is important to recall the distinction between narrow and wide reflective equilibrium. Narrow reflective equilibrium is a method that confronts general principles with strictly moral intuitions and judgments, whereas wide reflective equilibrium involves a more complex procedure in which principles and intuitions also have to prove consistent with relevant non-moral background theories. See, Daniels 1996 and Rawls 1974.

⁵² “Recall Kant’s project: if morality is not chimerical, ‘a phantasm in our brain’, then it must be possible to show that practical reason has a synthetic use, that it can be applied to some objects. For a concept to have reality, it must be applicable. That is, it is not enough to say that such a concept is analytically coherent and intelligible; it must be given an application. In particular, to be objective practical reason must be shown to be applicable to us: the moral law is objective insofar as it is shown to be subjectively applicable” (Bagnoli 2001, p. 322).

moral knowledge, provides us with sound reasons for rejecting any foundational account of the structure of justification and, consequently, favouring a *coherentist theory of epistemic justification*. Coherentism, being consistent with the actual epistemic circumstances of justification, establishes a sensible narrative of how practical deliberation works and why genuine disagreement happens. Moreover, a coherentist framework can explain why it is not unrealistic to claim (as Rawls does) that reasonable citizens can reach an agreement over some political matters or public decisions, while, at the same times, keep disagreeing over other fundamental issues.

Finally, I introduced the last important feature of a moderate epistemological account, namely an account of objectivity according to which the objective status of moral and political principles and propositions is granted by the fact that we, as moral agents, evaluate our practical commitments as normatively binding and justified thanks to the reference to a correct-apt deliberative procedure we take part in as moral agents. According to this account of objectivity, it is not necessary to take a stance regarding the ontological status of moral facts and principles, in order to evaluate them as objective or not. In this sense, a political conception can be justified and evaluated as objective, but this notion of objectivity somehow reflects and incorporates a fallibilist account of our epistemic abilities. Consequently, political principles are objective to the extent that the deliberation over their validity grants that they are at least fallibly (and less than infallibly) justified.

My presentation of a moderate epistemic account for a justificatory political framework is perfectly consistent with Rawls (1993, p. 58) reminding us that: “many of our most important judgments are made under conditions where it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion. Some conflicting reasonable judgments (especially important are those belonging under peoples’ comprehensive doctrines) may be true, others false; conceivably, all may be false”. This conclusion, when supported by an adequate epistemic framework (i.e. a moderate one), it is extremely relevant, as it expresses the need for a deliberative structure in which political disagreement can be addressed and in which the objectivity of the political discourse can be granted thanks to the reference to the intersubjective exchange of reasons carried out by citizens that respect each other as reflexive agents.

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