

THE UNIVERSITY OF CHICAGO

Towards Justifying and Actualising the Political Conception
of Justice: Rawlsian Lacunae of Democratic Design and the
Path of Plebeian Assemblies

By

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Abstract

Polarisation, a desertion of common political ground broadly held to be deleterious, presently afflicts nigh on all democracies as an existential illness. John Rawls recognised such clashes of irreconcilable comprehensive doctrines as the perennial product of a free society, and prescribed his famous political conception of justice as a resolution to the 'problem of pluralism' underlying polarisation. This thesis starts by identifying lacunae of political design in Rawls's account of actualising his political conception of justice – specifically his eschewal to specify a requisitely radically inclusive and radically efficient political system proffering adequate opportunity for participation. This dearth of democratic design leaves Rawls's political conception of justice unjustified according to his own standards. Part Two advances plebeian assemblies, as theorised in Camila Vergara's *Systemic Corruption*, as a remedy to Rawls's blueprint-reticence, insofar as they fill his lacunae of political design. Immediate objections – e.g. that plebeian assemblies comprise insufficiently reasonable deliberative environments to instantiate *inter alia* the public reason component of Rawls's political conception of justice – are rebuffed, in part via a Rawlsian fundamental comparison with the 'minipublics' theorised in Hélène Landemore's *Open Democracy*. The thesis's third and final part elucidates, via the phenomenology of Jacques Rancière's *Disagreement*, why plebeian assemblies might instantiate the exceptionally egalitarian politics required to ensure mass participation in plebeian assemblies, and to ensure they would actualise Rawls's exceptionally egalitarian political conception of justice. In summary, I advance a plebeian political liberalism capable of actualising, thereby justifying, an eminent resolution for today's polarisation and its undergirding 'problem of pluralism': Rawls's political conception of justice.

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[Cabinet Secretary, Civil Service Chief] Sir Humphrey Appleby: Because once you create genuinely democratic local communities, it won't stop there.

[Principal Private Secretary to the Prime Minister] Bernard Wooley: Won't it?

Sir Humphrey Appleby: Well, of course it won't. You see, once they get established they'll insist on more power, and the politicians will be too frightened to withhold them, so you'll get regional government.

Bernard Wooley: Would that matter?

Sir Humphrey Appleby: Bernard, come and sit down. Bernard, what happens at the moment if there is some vacant land in, say, Nottingham and there are rival proposals for its use – you know a hospital, a college, or an airport?

Bernard Wooley: Well we set up an inter-departmental committee. Department of Health, Department of Education, Department of Transport, Treasury, Environment. Ask for papers, hold meetings, propose, discuss, revise, report back, re-draft, the normal thing.

Sir Humphrey Appleby: Precisely. Months of fruitful work. Leading to a mature and responsible conclusion. But if you have regional government, they decide it all in Nottingham! Probably in a couple of meetings! Complete amateurs!

Bernard Wooley: It is their city.

Sir Humphrey Appleby: And what happens to us?

Bernard Wooley: Well, much less work.

Sir Humphrey Appleby: Yes, much less work! So little that ministers might be able to do it on their own, so we'd have much less power!

Bernard Wooley: Well I don't know whether I really want power.

Sir Humphrey Appleby: Bernard, if the right people don't have power, do you know what happens? The wrong people get it! Politicians, councillors, ordinary voters!

Bernard Wooley: But aren't they supposed to in a democracy?

Sir Humphrey Appleby: This is a British democracy, Bernard!

Bernard Wooley: How do you mean?

Sir Humphrey Appleby: British democracy recognises that you need a system to protect the important things of life and keep them out of the hands of the barbarians! Things like the opera, Radio 3, the countryside, the law, the universities - both of them. And we are that system.

Bernard Wooley: Gosh!

Sir Humphrey Appleby: We run a civilised, aristocratic government machine tempered by occasional general elections. Since 1832, we have been gradually excluding the voter from government. Now we've got them to a point where they just vote once every five years for which buffoons will try to interfere with our policies, and you are happy to see all that thrown away?!

...

[Cabinet Secretary, Civil Service Chief] Sir Humphrey Appleby: But this could lead to the overthrow of our whole system of government, our whole way of life!

[Localist, Revolutionary, Abolitionist Councillor] Agnes Moorhouse: Yours, not theirs.

Sir Humphrey Appleby: So - you would be happy to abolish Parliament?

Councillor Agnes Moorhouse: Yes.

Sir Humphrey Appleby: The courts?

Councillor Agnes Moorhouse: Yes.

Sir Humphrey Appleby: The monarchy?!

Councillor Agnes Moorhouse: Of course.

Sir Humphrey Appleby: Well perhaps you'd like to burn down my office while you're about it! The matches are over here!

Councillor Agnes Moorhouse: No - certainly not.

Sir Humphrey Appleby: Why?

Councillor Agnes Moorhouse: I may need it.

Yes, Prime Minister, Season 2, Episode 5, "Power to the People," directed by Sydney Lotterby, written by Antony Jay and Jonathan Lynn, aired January 7, 1988 on the BBC

Introduction

“How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?” (Rawls, *Political Liberalism* (PL) 1996, 4). This most fundamental question (Nussbaum & Brooks 2015, 3) of Rawlsian political liberalism is of perennial importance, if we accept (with Rawls) pluralism¹ as a permanent condition of liberal democratic society (PL 36; Rawls, *Justice as Fairness* (JF) 2001, 33-34). It is further a vital question amidst today’s polarisation, broadly held to be deleterious and worsening². Rawls recognised such polarised pluralism could spell the end of society (PL xxvi) and advanced a political conception of justice (PCJ) as a response³, both to this existential danger and to the intractability of the problem of pluralism. The PCJ, at its most simple “a guiding framework of deliberation and reflection which helps us reach political agreement on at least the constitutional essentials and the basic questions of justice” (PL 156), is theorised as a (nigh on) universally acknowledged “common ground” with reference to which political claims on fellow citizens and state organs are

¹ The problem of pluralism is “the fact of a plurality of reasonable but incompatible comprehensive doctrines” (PL xix), a fact guaranteed by “political and social conditions secured by the basic rights and liberties of free institutions” (PL 36). The problem of pluralism is therefore “a permanent feature of the public culture of democracy” (PL 36), as it “is the long-run outcome of the work of human reason under enduring free institutions” (PL 129). At its gravest, the problem of pluralism, say in the form of mutually hateful religions, makes society impossible (PL xxvi). See also Cohen’s discussion of the problem of pluralism (“pluralistic consensus test” 2009, 39).

² See Achen & Bartels (2016, 35-36, 49, 78, 259, 272) and Landemore (2020, 27). See also Merriam-Webster’s choice of polarisation as word of 2024, and polarisation as a top global risk over the short (4th) and long (8th) term according to the World Economic Forum’s Global Risks Perception Survey (Elsner 2025).

³ Or, as Rawls phrased it, a “resolution” for the problem of pluralism (PL 4). That the PCJ encapsulates the family of idealisations intended to function as this “resolution” is made clear on PL 44 & 46 (Rawls having gestured on p. 4 towards Lecture 1 §8 as defining political liberalism’s “resolution” of the problem of pluralism). Framing the PCJ as a resolution of the problem of pluralism lends itself to an accompanying frame of analysis: if the PCJ succeeds in being legitimate (i.e. being affirmed by all the “reasonable but incompatible comprehensive doctrines” (PL xix), see “liberal principle of legitimacy” PL 137) in the face of the problem of pluralism, then it comprises a successful resolution of the problem of pluralism. Therefore, throughout this thesis, phrases like ‘the PCJ successfully resolves/responds to the problem of pluralism’ and ‘the PCJ is legitimised/justified’ are used interchangeably, both denoting the PCJ successfully fulfilling its role in political liberalism of optimally responding to the problem of pluralism.

made and adjudicated (Larmore 1990, 341). As the modern malaise of polarisation is by definition desertion of the common ground, I hold Rawls to be vital for our present juncture. The PCJ is naturally not a panacea, neither for the polarisation which presently ails us nor for the pluralism which always accompanies free society. However, the public justification it would inaugurate – the process of a PCJ adjudicating “fundamental political questions” by virtue of being “generally acceptable ... to everyone” (PL xxi) so that “each cooperates, politically and socially, with the rest on terms all can endorse as just” (JF 27) – is a beautifully, yet realistically⁴, utopian vision of how the perennial problem of pluralism might be acknowledged and assuaged, via a PCJ which affirms the freedom and equality of all humans (PL 19).

To effect this idyll, Rawls furnishes the PCJ with a concomitantly voluminous and precise assemblage of constituent parts, the four most important of which (overlapping consensus (2.1⁵), wide-reflective equilibrium (2.2), public-political cultural source (2.3), and public reason (2.4)) are detailed in Chapter 2. These PCJ-components, Part One (Chs 1-4) of this thesis contends, demand such a host of necessary conditions⁶ as to require a new and specialised political system, which Rawls eschews to blueprint (Chs 3 & 4). This elision results in an underdetermined path to actualising the PCJ, which leaves the PCJ unjustified/illegitimate, as demonstration of a feasible actualisation account (given realistically utopian conditions (1.2)) is Rawls’s method of justifying the PCJ (1.2, 3.1).

⁴ Rawls maintains his vision is not utopian (JF §58) but realistically utopian, where realistically utopian conditions are understood generally as “reasonably favourable but still possible historical conditions, conditions allowed by the laws and tendencies of the social world” (JF 4, 13), and specifically as “social circumstances which, provided the political will exists, permit the effective establishment and the full exercise of these liberties”, where “these liberties” are the basic liberties (see PL 291 for preliminary list of basic liberties, see generally PL Lecture VIII) (PL 297).

⁵ Each cross-reference (to a Part, Chapter, or Section (e.g. 6.1)) in this thesis is linked for ease of navigation. Please click to be taken to the relevant section.

⁶ These necessary conditions (developed throughout this thesis and relayed in full at Part Two Introduction), the first three unacknowledged by Rawls, are: radical inclusivity (2.1.2, 2.2, 2.3, 2.4, 4.1.1, 4.1.2), radical efficiency (2.1.3, 2.2, 2.3, 2.4, 4.1), sense of creation (4.1.1), sensible guidelines of inquiry (2.4), and reasonableness (2.1.2, 2.4).

All in all, Rawls's lacunae of political design erode the PCJ's claim to optimally addressing the problem of pluralism, leaving the PCJ unjustified and the project of political liberalism commensurately bereft of legitimacy.

This dearth of democratic design comprises my research problem, from which my research question emerges: which political system proffers the best resolution to the problem of pluralism, i.e. is likeliest to actualise a legitimate (Rawlsian) PCJ? The stakes of this research question are considerable. Rawlsian political liberalism, without a political system capable of (in realistically utopian conditions) actualising the PCJ, is (as aforesaid) illegitimate, as its justification rests on advancing a resolution to the problem of pluralism. For the world at large, blighted by seemingly inexorably worsening polarisation at this fragile interregnum in world history (Smith forthcoming, Introduction), the void of political systems capable of instantiating the PCJ's peaceful public justification – wherein “each cooperates, politically and socially, with the rest on terms all can endorse as just” (JF 27) – is a grave and growing danger.

Parts Two and Three advance my answer to this research question. They reckon with Rawls's lacunae of political design by plugging it with the plebeian assemblies⁷ recently theorised in Camila Vergara's *Systemic Corruption*. Vergara's radical democratic blueprint, I will argue, could comprise just the political system Rawls lacks. Plebeian assemblies might inaugurate the special sort of politics required by the five Rawlsian necessary conditions⁸ I focus on – thereby actualising and (qua realistically utopian actualisation account see 1.2, 3.1) justifying the PCJ. This would significantly shore up political liberalism's response to its central challenge: the problem of pluralism.

⁷ A constitutional structure wherein the “final say” (Vergara 2020, 241) over all matters political is handed to a network of plebeian assemblies wherein every citizen has a seat (450-600 seats per plebeian assembly, Ibid 252). See Ch 5 (this thesis) and Vergara 2020, Ch 9 (esp. 250-256).

⁸ See fn6 above.

Vergara's plebeian democracy and Rawlsian political liberalism have never been married in as systematic and 'macro' a manner as I attempt. Throughout this thesis, they are often odd bedfellows, spoiled for *prima facie* disagreement on, for example, the legitimacy of political exclusions (6.1). Nevertheless, their union bears fruit, in the form of a plebeian political liberalism capable of inculcating in us a "reasonable faith ... in a just constitutional regime" ordered by the PCJ, notwithstanding the problem of pluralism (PL 172).

➤ **Construction of the Argument**

Rawls's PCJ (Ch 1) is outlined, followed by its onerously specific set of components (overlapping consensus (2.1), wide-reflective equilibrium (2.2), public-political culture (2.3), and public reason (2.4)) and accompanying necessary conditions (radical inclusivity, radical efficiency, sense of creation, sensible guidelines of inquiry, reasonableness; a final summary of which comes at Part Two Introduction) (Ch 2). Showing the PCJ to be somewhat actualisable – e.g. proving that "sufficient political, social, or psychological forces" (PL 158) exist to actualise it (given realistically utopian conditions), thereby legitimising it (1.2, 3.1) – is consequently a tall order. Rawls's actualisation account (Ch 3) is inadequate, both because he fails to make provisions for the requisite radically inclusive and radically efficient political system (Ch 3, 4.2) and because his actualisation account (specifically its theory of political education) is anathema to how a significant portion of citizens come to affirm PCJs (4.1; thereby precluding achievement of the overlapping consensus PCJ-component).

Plebeian assemblies (given favourable "realistically utopian" conditions) could (Ch 5) instantiate the requisite radically inclusive, radically efficient, reasonable politics observing sensible guidelines of inquiry and proffering a sense of creation (the five aforementioned necessary conditions, see Part Two Introduction), which I derive from

the four PCJ-components (see Ch 2). In doing so, plebeian assemblies would fill Rawls's lacunae of democratic design and justify his PCJ "resolution" (PL 4) to the problem of pluralism. Chapters 6 & 7 rebuff objections that plebeian assemblies are respectively discordant with Rawlsianism (e.g. that they comprise insufficiently reasonable deliberative spaces to form a PCJ or observe the constraints of public reason (6.1)), and that 'minipublics' (Landemore 2020, 134-145) might be better suited to justifying the PCJ (Ch 7).

Finally, Part Three departs from Rawlsian political philosophy (i.e. from focusing on 'justifying' the PCJ) and advances a more speculative, phenomenological, social theoretic account of how plebeian assemblies might come to pass and actualise Rawls's PCJ. I rely again on Rawls's fundamental comparison⁹ methodology to valorise plebeian assemblies (Ch 9), this time on more practical grounds. Subsequently, I advance a phenomenological (drawing on Jacques Rancière's *Disagreement*) actualisation account of plebeian assemblies and why they might generate a Rawlsian PCJ (Chs 10-13), correcting a misreading of Rancière by Vergara (Ch 12) and remedying the increasing remoteness of the prospect of genuinely realising the Rawlsian PCJ (Ch 8).

⁹ No general argument for superiority of the victorious position emerges from a fundamental comparison, but successful comparisons indicate whether central tenets of a proposal are on the right track (JF 95). Furthermore, the approach of comparing alternatives two at a time most closely approximates how a PCJ would be selected by a political bodies (JF 95). See Chs 7 & 9 for this thesis's two fundamental comparisons (comparing Vergara's plebeian assemblies with Landemore's minipublics).

Part One: Lacunae of Democratic Design in Rawlsian

Political Liberalism

➤ Chapter 1: The Political Conception of Justice and its Justification

- 1.1 The Political Conception of Justice

The PCJ's form should be understood as “constitutional principles” (Larmore 1990, 342 & 356; JF 9, 32, 46) which guide the creation and interpretation of constitutional articles (PL 165-166). Its object is the basic structure: “the way in which the major social institutions fit together into one system ... political constitution ... property, and the organization of the economy, and the nature of the family” (PL 258). Its content is envisioned by Rawls as rights, liberties and opportunities with a special priority, also proffering the means to make effective use of these rights, liberties and opportunities (PL 223). Specifically, it should comprise the following two (in fact three) principles according to Rawls: all are entitled to a “fully adequate scheme of equal basic liberties”, socio-economic inequalities are to be “attached to offices and positions open to all under conditions of fair equality of opportunity” and arranged “to the greatest benefit of the least-advantaged” (PL 271; JF 42-43). The principles are prior to each other in the order given here (PL 6; JF 43). Even contentless, i.e. as a mere moral consensus on public matters, the PCJ proffers the usual benefits of unanimity, from social stability to efficient decision-making. Joshua Cohen affirms these typical upsides¹⁰, going on to elaborate further benefits of “a moral consensus on political fundamentals” (Cohen 2009, 43-44)

¹⁰ “It increases social trust and harmony, supports social peace, reduces the complexity of decision making, encourages a willingness to cooperate and so reduces the costs of monitoring and enforcement, and—assuming the consensus is reflected in public debate and decisions—reduces alienation from public choices, because citizens embrace the norms and ideals that guide those choices.” (Cohen 2009, 43-44). Cohen notes, of course, that “not just any consensus is attractive”, rather that the consensus must be *inter alia* reached freely (Ibid 44).

such as addressing the classic Rousselean challenge (1762, Bk I Ch 6) of reconciling the ideal of self-governing political citizens with the necessity of central direction of political and social arrangements (Cohen 2009, 44).

The PCJ, by virtue of being so formative and fundamental to all social institutions, takes on a special moral importance, not only for the good it could do but for the evil it could facilitate. The egregious historical treatment of women, for example, can be explained, by a Hobbesian, by an absence of female representation at the point of social contract (PCJ) creation (Pateman 1988, 48 & 65). Badly constructed PCJs are *radix malorum* to no end of horrors.

- 1.2 How to Judge Rawls's Justification¹¹ Account

Rawls needn't outline an 'oven-ready' plan of actualisation to justify the PCJ. Rather, he must show there are "sufficient political, social, or psychological forces"¹² to bring about his desired goal (PL 158), in that instance an overlapping consensus¹³. In a different formulation, with which he ends his account of "how political liberalism is possible", Rawls asks us to judge his actualisation account of the PCJ by whether it inculcates a "reasonable faith ... in the possibility of a just constitutional regime" (PL 172; PL 101). These standards (of "sufficient ... forces" (PL 158) and "reasonable faith" (PL 172)) are, I

¹¹ As aforementioned, I employ 'justification' and 'legitimation' interchangeably when discussing the justification/legitimation of a PCJ.

¹² I take this to demand, of a justificatory account, demonstration of all three forces, it being eminently incomplete without accounting for each of these three primary drivers of change singled out by Rawls.

¹³ The 'overlapping consensus' PCJ-component is fully outlined below (2.1). I here briefly elaborate one reason why the PCJ must achieve overlapping consensus: for the legitimation of political coercion. Rawls's principle of liberal legitimacy establishes that "Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse" (PL 137). Consequently, "the basic structure and its public policies are to be justifiable to all citizens" (PL 224), that is if the PCJ which sculpts them is to be legitimate. By achieving overlapping consensus, a PCJ garners legitimacy by proving it comprises "a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse" (PL 137; see fn36 for the distinction between an empirical consensus and an overlapping consensus).

take it, part of Rawls's realistically utopian framework for assessing PCJ-actualisation accounts aimed at justifying the PCJ.

Rawls defines the realistically utopian outlook as “reasonably favourable but still possible historical conditions, conditions allowed by the laws and tendencies of the social world” (JF 4, see also 13). Specifically, realistically favourable conditions are “social circumstances which, provided the political will exists, permit the effective establishment and the full exercise of these liberties” (PL 297), where “these liberties” are the basic liberties¹⁴, and where the requisite circumstances vary greatly between societies (PL 297). Rawls believed, at least in 1996, that in America “reasonably favorable conditions do obtain” (PL 297), and so we may safely apply reasonably favourable conditions somewhat intuitively. We may also take from this reasonably favourable framework that what is missing (or at least what was missing in not-so-distant 1996) is the “political will” to instantiate political liberalism (PL 297; in this particular context Rawls argues that the political will to instantiate the priority of liberty¹⁵ is missing). This makes fashioning the missing political will (PL 297), i.e. political theorising/design, central to any account of actualising the PCJ (3.1), an importance Rawls fails to reckon with (4.2; see generally Chs 3 & 4).

¹⁴ Though encouraging expansion and modification of the following list (PL 293), Rawls enumerates some of the basic liberties as follows: “freedom of thought and liberty of conscience; the political liberties and freedom of association, as well as the freedoms specified by the liberty and integrity of the person; and finally, the rights and liberties covered by the rule of law.” PL 291.

¹⁵ The priority of the first principle of justice over the second (PL 6; see also PL 41, 43, 77; for two principles of justice see 1.1).

➤ Chapter 2: Specifying the Political Conception of Justice – Overlapping Consensus, Wide-Reflective Equilibrium, Public-Political Culture, and Public Reason

The PCJ must be developed from the public-political culture (2.3), be embodied by public reason¹⁶ (2.4), whilst being affirmed by an overlapping consensus of citizens and doctrines (2.1) in wide-reflective equilibrium (2.2).

- **2.1 PCJ Component: Overlapping Consensus**

○ *2.1.1 Overlapping Consensus: The Human Level*

The overlapping consensus should encompass "all citizens" (JF 32). Rawls, however, sometimes writes as if the bar is somewhat lower: "society's politically active citizens" (PL 134). Given the problem of pluralism (fn1) the PCJ is meant to resolve, we should have a maximal reading (an intuition reinforced by the maximally inclusive requirements of wide reflective equilibrium (2.2) and the PCJ's public-political cultural source (2.3)). Maximalism¹⁷ seems consistent with Rawls's posture, characterising *inter alia* his approach to the overlapping consensus (PL 164-165, PL 149) and wide-reflective equilibrium (Rawls urges attempting to reach wide-reflective equilibrium notwithstanding that "it is a point at infinity we can never reach" (PL 385)).

○ *2.1.2 Overlapping Consensus: The Doctrinal Level*

The consensus also consists "of all the reasonable opposing religious, philosophical, and moral doctrines likely to persist over generations and gain a sizeable body of adherents" (PL 15). I read this as radically inclusive. "A sizeable body of adherents" – sizeable I take

¹⁶ So as to perform the PCJ's goal of public justification (JF §9): the process of a PCJ adjudicating "fundamental political questions" by virtue of being "generally acceptable ... to everyone" (PL xxi) so that "each cooperates, politically and socially, with the rest on terms all can endorse as just" (JF 27). Public justification is the aim of political liberalism: "the aim of political liberalism is to uncover the conditions of the possibility of a reasonable public basis of justification on fundamental political questions" (PL xxi).

¹⁷ Or 'approximating', essentially 'doing as well as one can on a certain metric'.

to be given content by the problem of pluralism (fn1) i.e. sufficiently sizeable to present enough division to stopper “a just and stable society of free and equal citizens” (PL 4) – encompasses dozens of doctrines in the plural constitutional democracies (PL 36) Rawls is contemplating. Rawls broadens the ambit further still by phrasing it as “*gain a sizeable body of adherents*”¹⁸. This temporal open-endedness is not a mistake of language, it is required by the fact that “the fundamental organizing idea of justice as fairness ... is that of society ... *over time, from one generation to the next*” (PL 15, italics my own). Demanding the inclusion of doctrines not yet significantly present in a state’s citizenry (e.g. they are yet to immigrate or yet to grow internally), nor in its public-political culture, presumes (as a necessary condition of achieving the PCJ-component that is an overlapping consensus) a radically inclusive political system and marketplace of ideas, an account of which Rawls neglects to provide (Chs 3 & 4). Note, also, that Rawls stipulates only “reasonable” doctrines are to be accommodated in the overlapping consensus (PL 15), indicating a ‘reasonableness’ necessary condition of any political system seeking to instantiate¹⁹ the PCJ. Political deliberation must be sufficiently reasonable so as to allow reasonable doctrines to coalesce into an overlapping consensus, and so as to preclude unreasonable doctrines from sullying the PCJ (Cohen 2009, 55-56).

○ *2.1.3 Overlapping Consensus: Its Constitution*

An overlapping consensus has everything a *modus vivendi*²⁰ doesn’t. An overlapping consensus has moral content (PL 147) and is affirmed on moral grounds (affirmed from within the comprehensive doctrines of citizens PL 147-148), boasting a concomitant

¹⁸ Italics my own.

¹⁹ ‘Instantiate’ is employed synonymously with ‘actualise’ and ‘realise’ in this thesis.

²⁰ A *modus vivendi* obtains when “social consensus [is] founded on self- or group-interests ... social unity is only apparent, as its stability is contingent on circumstances remaining such as not to upset the fortunate convergence of interests” (PL 147, brackets my own).

stability (due to being affirmed for the 'right' i.e. 'deepest' reasons see fn21) which a modus vivendi, affirmed on purely prudential grounds, lacks (PL 148)²¹. It is *broad* (covering the PCJ as well as its application to the basic structure PL 149; specifying the ancillary rights and material conditions required for the fundamental 'constitutional consensus' rights PL 164) and *deep* (requires meta-constitutional complexity (PL 149) to facilitate cross-comprehensive doctrine communication and address constitutional crises PL 165-166). Not only must it encompass the vast majority of citizens and doctrines (radical inclusivity), but it must do so whilst achieving significant²² morality, breadth, and depth. This requires a political system which is radically efficient (another PCJ necessary condition), insofar as the PCJ must be assisted in consistently re-reaching this morality, breadth and depth whilst adjusting to changing landscapes of comprehensive doctrines (i.e. adjusting to the "background culture" PL 14, see also 2.3).

²¹ Whilst juxtaposing a modus vivendi with a Rawlsian ideal (overlapping consensus), it might be helpful to gesture at a related Rawlsian ideal also defined in opposition to a modus vivendi: "stability for the right reasons" (PL 390-392). Stability for the right reasons is an essential component of "public justification" (fn16). The process of public justification is the aim of political liberalism: "the aim of political liberalism is to uncover the conditions of the possibility of a reasonable public basis of justification on fundamental political questions" (PL xxi). Stability for the right reasons is an essential component of public justification because said public justification might be stable for the wrong reasons, i.e. be predicated on a modus vivendi, thereby leaving public justification highly vulnerable to the caprices of "contingent and possibly fluctuating circumstances" (PL 392). So stability for the right reasons proffers a truly resolutely stable PCJ, which we require to have the public justification Rawlsian political liberalism aims at. But what is stability for the right reasons? The 'stability' part tests whether an overlapping consensus could be achieved notwithstanding it aims to coalesce clashing comprehensive doctrines (PL 390), and so the stability for the right reasons test can be sensibly regarded as part of the overlapping consensus necessary condition (though also contributing to the sensible guidelines of inquiry and reasonableness necessary conditions, see Part Two Introduction). The 'right reasons' part tests whether: (a) the most reasonable PCJ is regulating the basic structure, (b) the overlapping consensus endorsing this PCJ comprises all comprehensive doctrines (in an enduring majority), (c) the fundamental (public) political questions are (almost) always judicable by the PCJ (PL 391). The two more specific requirements of 'right reasons' are: equal and maximal respect to all reasonable comprehensive doctrines ("without criticizing or rejecting their deepest religious and philosophical commitments ... all the while supposing that others no less reasonable than we may also affirm and recognize that same basis" PL 390) and that the 'right reasons' are the 'deepest reasons', i.e. the PCJ is endorsed by the comprehensive doctrines which "represent what citizens regard as their deepest convictions—religious, philosophical, and moral. From this follows stability for the right reasons." (PL 392).

²² Rawls is, after all, gunning for "the deepest and widest political conception of justice" (PL 149).

- 2.2 PCJ Component: Wide-Reflective Equilibrium

Reflective equilibrium is achieved when a PCJ “accord[s] with our considered convictions, at all levels of generality, on due reflection” (PL 8), resulting in the most “reasonable” PCJ (PL 28) (again, the reasonableness necessary condition). The ‘wide’ component is most onerous. It demands, to achieve this optimal state of “reasoned reflection” (JF 29), that the entity (which can be individuals or a society see PL 384, JF 31) entering reflective equilibrium has considered the “leading conceptions of political justice found in our philosophical tradition” and weighed them against “different philosophical and other reasons” (PL 384, JF 31). This requirement of wide-reflective equilibrium is demanded of “each citizen”, that is if we want a “well-ordered society” (PL 384).

Perhaps the most radically inclusive PCJ component, wide-reflective equilibrium requires that all (as required for an overlapping consensus see 2.1.1) citizens are presented with a complete menu of all the major political philosophies extant (as well as those that will “gain a sizeable body of adherents” in the future (PL 15)) in the state’s people and public-political culture (2.3). To extract all this information from society (radical inclusivity) – let alone to ensure all people and the political system at large can achieve “reasoned reflection” (JF 29) (radical efficiency) – presupposes a simply extraordinary political system which Rawls does not delineate (e.g. see 4.1.2 for how wide-reflective equilibrium is precluded by the political system/education envisioned by Rawls).

- 2.3 PCJ Component: Public-Political Cultural Source

Comprising “political institutions of a constitutional regime and the public traditions of their interpretation ... historic texts and documents ... tradition of democratic thought ... educated common sense”, public-political culture is the PCJ’s primary source (PL 13-14),

specifically the basic ideas implicit in it (PL 43). By primary source, I do not mean the PCJ is a reproduction of existing ideas within public-political culture. Instead, public-political culture serves as a launching pad: furnishing the creators of the PCJ²³ both with some content for the PCJ (e.g. the idea of people as free and equal implicit within every “tradition of democratic thought” (PL 14, 43; PL Lecture I §5) provides some content for the first principle detailing the basic liberties) and also with rules for the fleshing out of the PCJ (e.g. within “educated common sense” are the “guidelines of inquiry” which are part of the PCJ-component public reason (2.4), and which guide deliberation on political fundamentals such as the PCJ).

Rawls identifies six (PL 43, cf PL 14) organising ideas common to the public-political culture of democratic societies. This does not require the PCJ to be monolithic across societies. The balance of e.g. society as a fair system of social cooperation (PL §3) and people as free and equal (PL §5) must be recalibrated to accommodate different mixtures of comprehensive doctrines (“background culture” PL 14). This again stresses how perfectly responsive to its people the PCJ must be, lest they not recognise their own culture as having authored the PCJ and therefore reject it²⁴ (see 4.1 for this ‘sense of creation’ necessary condition). The demands of a marketplace of ideas (i.e. of political and other systems) to be unprecedently radically inclusive and radically efficient²⁵ are

²³ For Rawls these creators are people in a constitutional convention (1971, 172-174), for Vergara these are attendees at plebeian assemblies (during a constituent process see Vergara 2020, 258-264).

²⁴ Rawls touts the PCJ’s public-political culture origin as essential to garnering widespread acceptance (JF 27).

²⁵ Radical efficiency, as perhaps the most general of the PCJ-necessary conditions I identify, merits specification. A radically efficient political system can, as elaborated at the end of 2.1.3, “consistently re-reach this morality, breadth and depth [of the PCJ] whilst adjusting to changing assortments of comprehensive doctrines.” It is efficient enough (i.e. sufficient quantity and quality of deliberation) to allow the PCJ being debated to reach the breadth (i.e. specify all the ancillary rights and material conditions required for the fundamental ‘constitutional consensus’ rights PL 164) and depth (the meta-constitutional complexity (PL 149) required to facilitate cross-comprehensive doctrine communication and address constitutional crises PL 165-166) required to be a PCJ. Not only must deliberation be commensurately high quality for this breadth and depth to be achieved, but the quantity must also be high to ensure the PCJ adjusts as fast as possible to the changing landscape of comprehensive moral doctrines (so as to maximise the PCJ’s ‘uptime’). There are, of course, further standards for radical efficiency, such as

further fortified here by the fact these ideas are held to be implicit or even “latent in the public political culture of a democratic society” (PL 175), emphasising how complex and contested the process of extracting them may be.

- **2.4 Public Reason**

Though not a PCJ component in the same way as the preceding triptych (without each of which a collection of principles cannot be a PCJ); public reason is core to the PCJ insofar as it is a vehicle for its central purpose, being public justification (fn16). Without public reason, in brief, the PCJ is not worth having, making public reason a component of a different type.

Public reason – required for formulating plans, putting ends in an order of priority, and making decisions (PL 212) – is so named as it is public in three ways (PL 213): qua being the reason of citizens, qua its subject being “the good of the public and matters of fundamental justice” (it therefore only applies to/limits deliberation on the fundamental political questions outlined in PL Lecture VI §5), and qua its “nature and content” being public i.e. “being given by the ideals and principles expressed by society’s conception of political justice”. So its content is the PCJ (1.1), which must at the least comprise: “certain basic rights, liberties, and opportunities ... an assignment of special priority to those rights, liberties, and opportunities ... measures ensuring for all citizens adequate all-purpose means to make effective use of their freedoms” (Rawls 1997, 774). Public reason’s content, however, goes further than the PCJ as relayed thus far, also including “guidelines of inquiry: principles of reasoning and rules of evidence” as well as “such political virtues as reasonableness and a readiness to honor the (moral) duty of civility” (PL 224; these guidelines of inquiry are part of the PCJ see PL 224). The PCJ also

being able to extract from the public-political cultural source ideas which may be obscured (insofar as they are often implicit (or “latent” PL 175) rather than explicit PL 43) or not presently extant (due to the overlapping consensus PCJ-component’s aforementioned temporal open-endedness, see 2.1.2).

characterises public reason's subject matter, comprising constitutional essentials²⁶ and matters of basic justice²⁷ (PL 214; Quong 2013, 266).

Finally, public reason performs the role of (and is demanded by the necessity of) instantiating the liberal principle of legitimacy²⁸, insofar as it allows us to explain to one another in a common language of political valuation the (necessarily coercive) political policies and principles we are advancing, a process core to public justification and termed by Rawls a "duty of civility" (PL 217; see also PL 137).

Public reason, to conclude, also makes considerable demands of any political system. It reiterates the necessary condition of radical inclusivity: insofar as it must lend itself to endorsement by all reasonable comprehensive doctrines (PL 242-243). It reiterates the necessary condition of radical efficiency: public reason must always be sufficiently detailed ("complete") so as to proffer a reasonable answer to almost all questions of constitutional essentials and basic justice (PL 225). It also reiterates the necessary condition of reasonableness: public reason must be justifiable to all reasonable citizens (PL 54-62) to the extent that unreasonable citizens are "specifically excluded from the constituency of public reason" (Quong 2013, 268; Quong 2011 290-314) (see also "such demands as reasonableness" PL 224).

²⁶ "a. fundamental principles that specify the general structure of government and the political process: the powers of the legislature, executive and the judiciary; the scope of majority rule; and b. equal basic rights and liberties of citizenship that legislative majorities are to respect: such as the right to vote and to participate in politics, liberty of conscience, freedom of thought and of association, as well as the protections of the rule of law." (PL 227).

²⁷ "Matters of basic justice concern the principles that determine the distribution of important goods such as income, wealth, opportunities, and positions of power that are not already covered by the constitutional essentials" (Quong 2013, 266), including "freedom of movement and equality of opportunity, social and economic inequalities, and the social bases of self-respect." (PL 228) and the difference principle (PL 229).

²⁸ "our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason." PL 137.

Moreover, public reason makes a demand of its own. The “principles of reasoning and rules of evidence ... reasonableness and a readiness to honor the (moral) duty of civility” (PL 224) it requires must be sufficient to allow citizens to identify “whether substantive principles properly apply and to identify laws and policies that best satisfy them”, and must be sufficient to “help to make possible reasoned public discussion of political questions” (PL 224). A particularly demanding offshoot of this is “a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made.” (PL 217). Call this demand a *sensible guidelines of inquiry* necessary condition. It bears a family resemblance to the reasonableness necessary condition – both require citizens conduct themselves fair-mindedly, according to codes of conduct all can reasonably be expected to endorse.

- **2.5 Summary of PCJ-Components and Concomitant Necessary Conditions**

I now briefly emphasise the concordance of the necessary conditions I have added to Rawls’s account (radical inclusivity, radical efficiency, sense of creation – the latter of which is fully defined in 4.1.1) with his oeuvre²⁹. Rawls summarises the sufficient conditions of justifying the PCJ (qua comprising a successful actualisation account of the resolution of the problem of pluralism see 1.2, 3.1) as follows: “(1) basic structure of society is regulated by a political conception of justice ... (2) political conception is the focus of an overlapping consensus of reasonable comprehensive doctrines ... (3) public discussion, when constitutional essentials and questions of basic justice are at stake, is conducted in terms of the political conception of justice” (PL 44, brackets and figures my own).

²⁹ The two other necessary conditions – sensible guidelines of inquiry (2.4) and reasonableness (2.1.2, 2.4) – are drawn directly from Rawls and therefore concordant.

A radically inclusive political system contributes to condition (2) by facilitating the universality of the overlapping consensus. A radically efficient political system contributes to condition (1) by maximising the uptime of the PCJ thereby maximising the amount of time it has to shape the basic structure; to condition (2) by accelerating the deepening of the constitutional consensus into an overlapping consensus (see 2.1.3, 3.2); and to condition (3) by maximising the uptime of the PCJ thereby maximising the amount of time it has to define “public discussion”. The third and final necessary condition I add to Rawls, the yet to be delineated sense of creation requirement (4.1.1)³⁰, contributes to condition (2) by facilitating the universal endorsement (i.e. overlapping consensus) of the PCJ.

What I have meant to emphasise here is that the necessary conditions I identify feed into the sufficient conditions Rawls identifies, thereby establishing a harmony between my expanded account of necessary conditions required by the PCJ and Rawls’s account. This is not to claim that, if all my necessary conditions are adequately achieved, then the PCJ would be actualised. They do not, as a set, form sufficient conditions, as Rawls’s conditions do. Rather, they are necessary conditions which, if not achieved, preclude the achievement of Rawls’s sufficient conditions, sufficient conditions which must be fulfilled for a PCJ to be legitimate in the face of the problem of pluralism.

³⁰ In essence that, for many people, feeling one has directly created the PCJ is the sole manner of getting them to affirm the PCJ, and therefore a political system seeking to actualise the PCJ must proffer a sense of creation, lest it preclude an overlapping consensus.

➤ Chapter 3: Rawls's Actualisation Account

- 3.1 The Importance of an Actualisation Account to Justifying the PCJ

Rawls (as aforementioned 1.2) must (to justify the PCJ) show there are "sufficient political, social, or psychological forces" (PL 158) to give us a "reasonable faith ... in the possibility of a just constitutional regime" (PL 172).

In other words, he grounds the proof of his political liberalism project in the pudding. The test, for justifying the PCJ, is whether it can command an overlapping consensus (2.1) reached via wide-reflective equilibrium (2.2) from a menu drawn from the public-political culture (2.3), and can be embodied in public reason (2.4). A test, developed by this thesis, for the political system seeking to make this happen (seeking to demonstrate there are "sufficient political ... forces" (PL 158) for these four PCJ components to eventuate) is the fulfilment of the aforementioned pentad of necessary conditions³¹.

A panoply of further failure nodes, actualisation standards which if not meetable scupper Rawls's justificatory account, are built in. In his reply to Habermas, for example, Rawls admits that to defend wide-reflective equilibrium's claim to producing "the most reasonable ... principles ... We also must examine how well these principles can be applied to democratic institutions and what their results would be" (PL 381). As for stability, he concedes that "if a conception fails to be stable, it is futile to try and realize it" (PL 142).

- 3.2 Rawls's Actualisation Account: Conjectural History

Via analogy to the emergence of toleration doctrines after the Reformation (PL 159), Rawls posits the establishment of a liberal modus vivendi (2.1.3) resulting from

³¹ See Part Two Introduction for a summary.

“historical events and contingencies” (PL 159). This liberal *modus vivendi* would “fix, once and for all, the content of certain political rights and basic liberties, and to assign them a special priority” (PL 161). Drawing on his moral psychology (3.3) – essentially that people imbibe senses of justice in associations and broader society which they see publicly practised and recognise as good for them and their loved ones (PL 163; see also PL 86, *A Theory of Justice* (TJ) 1999 (1971) §70-75) – Rawls argues people under this liberal *modus vivendi* could come to affirm a “constitutional consensus”³² organised by the “cooperative virtues of public life ... reasonableness ... fairness ... compromise” which the liberal *modus vivendi* inculcates (PL 163).

After achieving the constitutional consensus, Rawls believes actualising the PCJ becomes plausible (PL 168). The consensus’s breadth (scope of application, 2.1.3) will expand as “the constitutional consensus cover[s] but a limited part of the fundamental political questions that will be debated” (PL 166), and because people will note that the consensus’s basic rights (PL 159) require a host of ancillary rights and material conditions (PL 166). The consensus’s depth (philosophical complexity, 2.1.3) will grow as PCJs are employed by rival doctrines to justify themselves and construct majorities (PL 165). Broadened and deepened, the constitutional consensus thus becomes an overlapping consensus (PL 164-168).

Two immediate inadequacies present. Firstly, this actualisation account is underdetermined. The “sufficient ... social, or psychological forces” (PL 158) are gestured at (e.g. our natural social proclivity towards broadening and deepening the constitutional consensus via drawing on our comprehensive doctrines and public political culture, thereby approaching wide-reflective equilibrium), but the “sufficient

³² Comprises “certain liberal principles of political justice” such as “democratic electoral procedures for moderating political rivalry within society” (PL 158) supported by “agreement on certain basic political rights and liberties ... right to vote and freedom of political speech” (PL 159).

political ... forces" (PL 158), in the form of say democratic designs, are absent. It is difficult, thus far, to have "reasonable faith" (PL 172) that Rawls's necessary conditions, e.g. a radically inclusive political system presiding over eminently reasonable dialogue, are fulfillable (as Rawls does not prove this requisite political system exists, or indeed whether it could exist). Secondly, Rawls did not curate his conjectural history to the highly specific and onerous demands of his PCJ (Chs 1 & 2). Instead, he borrowed from Judith Shklar's account of the development of toleration (*Ordinary Vices* 1984; see also *Montesquieu* 1987) in both a general (PL xxxiv) and 'verbatim' (PL xxvi) sense. Quite why the general analogy to the doctrine of toleration's evolution is presumed to furnish us with adequate detail on the highly specific "sufficient political, social, or psychological forces" (PL 158; take, for example, the five necessary conditions I have outlined (Part Two Introduction)) required to justify the PCJ is unclear. Given the dearth of previous theorising in political liberalism (PL 473 fn1), presenting an open field for an original argument unrestricted by a canon, it is disappointing that Rawls repurposed an existing history so bereft of democratic design, a missed opportunity which Parts Two and Three of this thesis attempt to rectify via advancing plebeian assemblies.

- 3.3 Rawls's Actualisation Account: Moral Psychology

Rawls's moral psychology details the socio-psychological dynamics undergirding the conjectural history, and can be sensibly summarised³³ as tripartite (TJ 429-430). The first "authority" (TJ 405-409) psychological law: if families are just and parents clearly express their love by caring for the good of the child, then the child (recognising this love) comes to love the parents. The second "association" (TJ 409-413) psychological law: if the first law has awakened an individual's capacity for fellow feeling and if a

³³ Though I draw on TJ here, which predates Rawls's political liberalism, TJ's moral psychology is identical to PL's (PL 143), albeit it is more perspicuous.

social arrangement is just and publicly known to be so, then the individual “develops ties of friendly feeling and trust toward others in the association” as those “others” fulfil their duties and obligations thereby living up to the association’s ideals (TJ 429). The third “principles” (TJ 414-419) psychological law: if an individual’s capacity for “fellow feeling” (TJ 429) has been awakened by the first two laws, and if a society is (publicly known to be) just, then the individual acquires this society’s sense of justice by recognising that she and those she cares for benefit from the society’s arrangements.

Rawls seems happy to rely on his conjectural history and moral psychology – essentially that once things start to go well (the happy coincidence of a liberal *modus vivendi* PL 159), citizens could recognise this as due to the accompanying sense of justice and so expand it (Rawls’s moral psychology) – to inculcate in us the requisite “reasonable faith” (PL 172): “Gradually, as the success of political cooperation continues, citizens gain increasing trust and confidence in one another. This is all we need say in reply to the objection that the idea of overlapping consensus is utopian” (PL 168).

I hope this strikes the reader as failing, thus far, to measure up to the onerous specificity of the PCJ’s necessary conditions (Ch 2; e.g. the sensible guidelines of inquiry required by public reason (2.4)), and to the importance of actualisation accounts to justifying the PCJ (1.2, 3.1). Ch 4 focuses these inadequacies on two areas of weakness: Rawls’s passive account of acquiring a PCJ (4.1), and his dearth of political design (4.2).

➤ Chapter 4: Critiques - Rawls's Passive Political Education and Dearth of Democratic Design

- **4.1 Rawls's Passive Political Education: A Psychological-Rawlsian Critique of Rawlsian (Broadcasting) Justification Accounts**

Rawls's actualisation account, specifically his moral psychology (3.3), relies on a 'broadcasting' method of inculcating a PCJ: educating people in an already extant PCJ (created without their direct input via e.g. Rawls's constitutional convention (TJ 172-174) or the representative democracy Rawls is "clearly writing for" (Brooke 2015, 440)). This broadcasting brings "main political and social institutions" into harmony with the PCJ, ensuring citizens apply it and act according to the position in society which the PCJ affords them (JF 8-9; see also JF 2-3), via what Stephen Macedo has called the "pervasively educative" nature of a "liberal constitutional order" (Macedo 1998, 56-57).

This broadcasting procedure fleshes out the underdetermined educative process of Rawls's moral psychology (3.3). It imagines, *inter alia*, citizens imbibing the PCJ as extant in the public political culture (JF 122, 133, 146), e.g. via "important constitutional cases" and the affirmations of "political parties" particularly when these are "disputed" (JF 146). This educative role of public political culture, or more specifically this "aspect of the wide, or educative, role of public reason" (PL 236), seems a largely judicially-led procedure, requiring "some form of judicial review" (specifically to "interpret the constitutional force of those [PCJ] freedoms" JF 147, brackets my own) to spur on the "public forum of principle" (JF 147, see also 'The Forum of Principle' (Ch 2) in Dworkin, 1985; analogous to public reason see PL 240) from which citizens imbibe the PCJ. This educative, broadcasting procedure also imagines "the basic structure of their institutions" (JF 125, see also PL 68, 43) as spreading the PCJ, both because the PCJ

moulds the basic institutions in its image (JF 8-9) and because the PCJ itself is part of the basic structure, insofar as it is the constitution (2.3, PL 13-14).

In summary, the “educational role of a political conception of justice” is achieved by it being “embedded in political institutions and procedures” so that it becomes “a significant moral force” (JF 147). Some, such as Macedo, have sought to expand this account, for example via a programme of civic education (Macedo 1998, 60-70). However, they have stayed within the lines Rawls laid down, as evidenced by Macedo whose civic education seems but an expansion of the minimal childhood educational requirements (“knowledge of their constitutional and civic rights ... enable them to be self-supporting ... political virtues so that they want to honor the fair terms of social cooperation” PL 199) Rawls already elaborates.

Such broadcasting methods, I now argue, cannot inculcate a PCJ properly for psychological (4.1.1) and philosophical/epistemic (4.1.2) reasons.

One can affirm a PCJ via myriad methods. Two prominent avenues seem creating it (4.1.1) and rigorously contemplating it (wide-reflective equilibrium, 4.1.2). These two primary approaches to affirming a PCJ, without the use of which many would simply never affirm a PCJ (thereby precluding the overlapping consensus PCJ-component (2.1)), are not provided for by Rawls’s broadcasting approach.

○ *4.1.1 Broadcasting Methods Cannot Inculcate a PCJ via a Sense of Creation*

That people hold and endorse PCJs if they *feel* they have created them (or prescribed, or authored etc.; via actual political processes and deliberation, I am not here addressing creation of the PCJ via the original position) is an intuition spoken to by Mill (direct participation assures citizens their interests have been represented, 1861), Rousseau (“One can only legitimately make law if people feel in their hearts that they are worthy of being subject to it, having freely made it themselves” Planinc 2023, 24-25; see also

Rousseau 1762 Bk I Ch 8 [3]), and Arendt (without creation people only ever have political moods, rather than developed conceptions 1963, 268-269). Rawls directly affirms this 'sense of creation' necessary condition in stressing the importance of working a PCJ up from the public-political culture so that people can feel the resultant PCJ is 'of them' (JF 27). Rawls further affirms this proclivity, towards affirming the PCJ we feel the most direct sense of creation over, when he argues that the first PCJs people affirm are those developed from their own comprehensive doctrines (PL 165; these PCJs are developed so that they can provide public justifications for their comprehensive doctrines see PL 165).

How people could come to feel this sense of creation is unspecified in Rawls. His moral psychology (3.3) is anathema to it, as its people acquire senses of justice merely because they recognise a dependable good for them and their loved ones, with no mention of active contribution to said sense of justice. Rawls's mistake, to my view, arises during the jump from his second to his third psychological law (3.3). In the small associations of the second stage/law one can reasonably presume individuals would feel authorship over the association's PCJ, however the same cannot be said for the large and diverse tessellation of associations which comprise modern societies (third psychological stage/law). More specifically, Rawls's moral psychology presumes individuals in mass society will relate as author to the basic structure³⁴ (and therefore to the PCJ that has sculpted it), without proffering an argument as to why what is a common sense intuition at the second associational level (as we can reliably impact and gauge our impact on associational basic structures/senses of justice) translates to the

³⁴ Citizens, in political contexts, relate as authors first and foremost to the basic structure, as it is the primary subject of justice (PL 11, 16).

third level of mass society (where we cannot reliably impact nor gauge our impact on the basic structure and PCJ sculpting it).

So Rawls requires a political system which replicates, in the mass society of myriad tessellated associations (third stage), this feeling of ownership/creation we have over the PCJ which defines the basic structure of our associations at the second psychological stage. Absent an answer to this, as Rawls does not furnish us with one, we can safely re-emphasise the political lacuna in Rawls, and the fact it falls foul of showing "sufficient political, social, or psychological forces" (PL 158) to realise the PCJ.

I would like to briefly fortify my empirical claims. Empirical/sociological/human nature claims are tenuous. I have made one such claim (significant sectors of society will only affirm a PCJ if they feel they have created it, significant sectors of society will only affirm a PCJ if they feel they have rigorously contemplated it (wide-reflective equilibrium)) and Parts Two and Three rely on some others (e.g. that people are likelier to take part in the creation of PCJs, or rigorously contemplate PCJs, if they feel they have direct political power over the PCJ). Any work in political philosophy "relies on certain general facts of political sociology and human psychology" (JF 33), and my claims aim to be more modest than Rawls's, the five of which (JF 33-35 & 36) include the somewhat tenuous: "continuing shared adherence to one comprehensive doctrine can be maintained only by the oppressive use of state power, with all its official crimes and the *inevitable brutality and cruelties, followed by the corruption of religion, philosophy, and science.*" (JF 34, italics my own).

To return to the sense of creation critique/necessary condition, Rawls could retreat to a claim that people would recognise the broadcasted PCJ as created by them if it reflects their public-political culture, as this requires a less radically inclusive political system than personal authorship (and could, therefore, be fulfilled by the orthodox

representative democracy Rawls is “clearly writing for” (Brooke 2015, 440)). Having softened the ‘sense of creation’ necessary condition requirements, Rawls still requires those who affirm the PCJ to do so via rigorous contemplation (wide-reflective equilibrium), his failure to provide for which I now turn to.

○ *4.1.2 Broadcasting Methods Cannot Inculcate a PCJ via Rigorous Contemplation (Wide-Reflective Equilibrium)*

Many could affirm the PCJ via wide-reflective equilibrium, rather than the self-centred motivation of having created the PCJ. Rawls seems to have such a process in mind in his conjectural history (3.2), insofar as it sees us broadening and deepening our reflective equilibrium as we progress from liberal modus vivendi to overlapping consensus.

I put aside his contentious claim that people can retrospectively assess what is good for them in mass politics (contained within his moral psychology (3.3), which underlies his conjectural history), a discredited claim (Achen & Bartels 2016) which demands a novel political system in itself. What I wish to critique is the idea that a significant group of citizens could enter wide-reflective equilibrium without politically participating themselves. Wide-reflective equilibrium (2.2) demands all major philosophies be considered before PCJ affirmation. If a citizen has not been consulted on the PCJ she is witnessing do good for her (second and third psychological stage model of imbibing a sense of justice see 3.3), she can safely assume many others have been similarly neglected. She cannot enter wide-reflective equilibrium as she knows the menu of philosophies, given that a significant group of citizens has not been consulted, is likely incomplete. Without reflective equilibrium we will have “mere agreement” (JF 29) rather than the “reasoned reflection” (JF 31-32) which is the goal of the “public

justification” (JF 29) the PCJ aims at, a Rawlsian critique of an incomplete menu for reflection which echoes Arendt’s “mere moods” (4.1.1, 9.1) critique³⁵.

Furthermore, if it is true that “the menu of philosophies, given that a significant group of citizens has not been consulted, is likely incomplete”, then the PCJ will not have been worked up from the public-political culture (2.3), as this must be done sensitive to the full menu of “background culture” comprehensive moral doctrines (PL 14, 2.3), a menu which would be incomplete. Resultantly, even the weaker argument for affirming the PCJ via creation (i.e. that one can feel one has created a PCJ if one recognises it as authored by one’s public political culture, rather than by oneself), to which our Rawls retreated at the end of 4.1.1, is unworkable.

We have again come up against the need for a radically inclusive political system – required to complete the philosophical menu for wide-reflective equilibrium (4.1.2) and maximally proffer a sense of PCJ-creation so that an overlapping consensus is possible (4.1.1) – anathema to present systems and absent from Rawls’s oeuvre. I now turn explicitly to this my most central critique, and the greatest weakness in Rawls’s PCJ-justification account.

- 4.2 Apolitical Rawls – The Dearth of Democratic Design that Cripples

Rawls’s Justification Account

I have pointed to the many junctures at which Rawls relies on a radically inclusive (2.1.2, 2.2, 2.3, 2.4, 4.1.1, 4.1.2) and radically efficient (2.1.3, 2.2, 2.3, 2.4, 4.1), ‘sense of creation’-proffering political system which he does not specify. The other necessary conditions of instantiating the PCJ – specifying the political system which could maintain reasonableness and sensible guidelines of inquiry (necessary conditions for

³⁵ Arendt, in Rawlsian terms, contends that we end up with a PCJ pastiche if we don’t have the requisite “open discussion and public debate” to give people the capability of affirming a PCJ proper, rather than a mere “mood” (Arendt 1963, 268-269).

inter alia public reason (2.4)) – are also left largely unaddressed. Failing to specify such a political system is made all the more disconcerting by the fact Rawls’s realistically utopian framework for judging his justificatory actualisation account (1.2) requires the demonstration of “sufficient political ... forces” (PL 158), and explicitly admits that (at least in 1996) what is missing is the “political will” and method of reaching it, rather than the social or economic preconditions for political liberalism, which he regarded as already extant (PL 297). This failure to specify a political system precludes the justification of his PCJ because some sort of “educated conjecture” is required (1.2, 3.1), and that conjecture can perform its justificatory role “only by working it [the PCJ] out and exhibiting the way it might be supported” (PL 15, brackets my own). I now round out this critique.

The crippling absence of politics is highlighted by how far humans drop out of Rawls’s conjectural history and moral psychology, which takes place largely at the doctrinal level, to the extent that doctrines become personified (doctrines "understand the wider realm of values to be congruent with" PL 169, see also PL 171 (4)). Indeed, at the end of his elaboration of “How Is Political Liberalism Possible?” (134-140 PL), Rawls’s final statement of what “makes an overlapping consensus possible” is purely concerned with whether comprehensive doctrines can be compatible in the realm of values, with the human and political levels absent entirely (PL 140)³⁶. The thought that

³⁶ It may be objected at this point that this is only natural, as the overlapping consensus is not identified with an empirical consensus. As Joshua Cohen put it "we are not letting anything about justification turn on the mere fact of current consensus. In fact, it is never the case ... that de facto agreement itself plays a role in justification." (2009, 51). If we were to allow de facto agreement to play a role in justification (of the PCJ), or so the challenge (which Joshua Cohen attributes to conversations with GA Cohen Ibid 40 f6) purports, the "egalitarian components" of "fundamental political justification" would be "undercut" (Ibid 48) by the fact that considering de facto agreement "forces an accommodation to power at the foundations of a theory of justice" (Ibid 40). So we must not treat the overlapping consensus as a purely empirical consensus, not least because "mere ... current consensus" (Ibid 51) might include "unreasonable views" which sully the political conception of justice (Ibid 55-56) or affirm it for the wrong reasons (Ibid 56-58). That the overlapping consensus is not the same as empirical consensus precipitates a clarification, not a refutation, of my critique of Rawls. I have not criticised Rawls for not centring

the requisitely radically inclusive, radically efficient, 'sense of creation'-proffering, reasonable political system might not exist, or might be incompatible with human nature, does not seem to Rawls to be vital for giving us a "reasonable faith" (PL 172) that "sufficient political ... forces" (PL 158) exist to realise the PCJ.

Eschewing to specify the political system his onerous PCJ cries out for leaves his account not realistically utopic (1.2) but utopic. It is literally 'no place', having never existed in the world or in Rawls's oeuvre.

I hope, to conclude my critique, to have shown that the political indeterminacy of Rawls's justification account leaves it failing to achieve Rawls's standards for success. It does not inculcate in us a "reasonable faith ... in the possibility of a just constitutional regime" (PL 172). It does not show that "sufficient political ... forces" (PL 158) exist to realise the PCJ. It does not reconcile us to our "hopelessly hostile ... corrupt society" by showing that "Our social world might have been different and there is hope for those at another time and place" (JF 38). It does not achieve these standards because Rawls's justificatory actualisation account does not cogently address, if it addresses at all, the necessary conditions (see Part Two Introduction below) and PCJ components (Ch 2) of the PCJ.

empirical/human/political concerns in his account of what "makes an overlapping consensus possible" (PL 140). Rather, by having these empirical concerns almost entirely absent, he fails to be sufficiently determinate in his justificatory actualisation account. I have elsewhere elaborated the importance of a realistic political actualisation account to justifying the Rawlsian PCJ (1.2, 3.1), so here I elaborate the realism demanded, per Cohen, specifically by the problem of pluralism (fn1). This demand for realism, in the second stage of Rawls's bipartite argument for the PCJ (Cohen 2009, 41), means that if a conception fails the "pluralistic consensus test" (Cohen 2009, 42; i.e. fails to address the problem of pluralism by garnering a total consensus of reasonable views) it should not be rejected, but "some reason" is nevertheless provided to take steps to satisfy the pluralistic consensus test (Cohen 2009, 42; here Cohen suggests the PCJ itself might have to be modified, however I see no reason not to avoid this where possible and perform more minor edits, such as tinkering with the background political design by adding plebeian assemblies (Ch 5) to Rawls's account, which I propose in Parts Two and Three). In summary, my critique of Rawls's failure to demonstrate an adequate political system as part of his account of what "makes an overlapping consensus possible" (PL 140) does not refute the PCJ itself, but nevertheless demands modifications (such as adding plebeian assemblies) to Rawls's account, so that it may satisfy the "pluralistic consensus test" (i.e. resolve (PL 4) the problem of pluralism).

Such political indeterminacy means that any further fleshing out of Rawls-compatible democratic design, any political system which performs better (than the orthodox representative democracy Rawls is “clearly writing for” (Brooke 2015, 440)) on these necessary conditions and PCJ-components, is a step forward. I hope to go beyond this and fully plug Rawls’s lacunae of political design. However, even if plebeian assemblies only fill these lacunae a little, they will have made a valuable contribution to the justification of Rawlsian political liberalism.

I now turn to the plebeian assemblies which could give us hope, where Rawls underwhelms, for justifying the PCJ.

Part Two: Filling Rawls's Democratic Design Lacunae – Can Plebeian Assemblies Justify Rawlsian Political Liberalism?

Before advancing plebeian assemblies as capable of filling the lacunae in democratic design which leaves Rawls's PCJ unjustified, I briefly relay the five necessary conditions (which I have derived from his PCJ-components (Ch 2)) upon which his justificatory actualisation account stumbled, and which plebeian assemblies must fulfil.

Radical inclusivity (2.1.2, 2.2, 2.3, 2.4, 4.1.1, 4.1.2): to construct the complete menu of all major philosophies required by the wide-reflective equilibrium (2.2) and public political cultural source (2.3) PCJ components, a radically inclusive political system is required. Such radical inclusion is also demanded by the fact all extant reasonable comprehensive doctrines (and those which will "gain a sizeable body of adherents in the future" (PL 15, 2.2)) must be able to affirm the PCJ (overlapping consensus PCJ-component 2.1), and have it adjusted to suit the "background culture" they comprise (PL 14, 2.3).

Radical efficiency (2.1.3, 2.2, 2.3, 2.4, 4.1): PCJ-creating deliberation must be of sufficient quality and quantity to allow all comprehensive doctrines to have their say on (and come to agree on) the exceptionally broad and deep (2.1.3, 3.2) PCJ - a radical efficiency which must be maintained in perpetuity, as the PCJ must constantly be adjusted to the background culture (for more see fn25).

Sense of creation (4.1.1): as a significant amount of those holding reasonable comprehensive doctrines will only affirm the PCJ if they feel they have created it, the political system attempting to instantiate the PCJ must proffer this feeling of creation to that set of reasonable doctrine holders (whose support the overlapping consensus requires) who will only support the PCJ if they feel they have created it.

Sensible guidelines of inquiry (2.4): “rules of evidence ... reasonableness” such as “common sense, and the methods and conclusions of science when these are not controversial” are required to facilitate the sort of “reasoned public discussion” public reason and the PCJ require (PL 224). These guidelines of inquiry also comprise a “(moral) duty of civility” (PL 224) demanding “a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made.” (PL 217; see also PL 390 for a similar fairmindedness and respect for comprehensive doctrines requirement, which emerges from the requirement of stability for the right reasons (2.2 fn21)).

Reasonableness (2.1.2, 2.2, 2.4): the preceding necessary condition requires reasonableness in PCJ-creation, a requirement heightened by wide-reflective equilibrium’s goal of producing “the most reasonable ... principles” (PL 381). That the political system seeking to inaugurate the PCJ must be eminently reasonable is a necessary condition sharpened by the aforementioned requirement of stability (of public justification) for the right reasons (required by the overlapping consensus and public reason PCJ-components see 2.2 fn21; PL 390-392). Stability for the right reasons requires the PCJ to be the most reasonable (PL 391), and further demands deliberation so reasonable that the PCJ can be affirmed out of the “deepest convictions—religious, philosophical, and moral” (PL 392) of citizens.

These are necessary conditions, I reiterate, any political system seeking to instantiate the four components (overlapping consensus, wide-reflective equilibrium, public political cultural source, public reason) of the PCJ must fulfil.

➤ Chapter 5: Plebeian Assemblies as the Pre-Eminent Path for the Political Conception of Justice

- **5.1 Plebeian Assemblies as the Pre-Eminent Path for the Sense of Creation, Radically Inclusive, and Radically Efficient Necessary Conditions**

Plebeian Assemblies (PAs) hold the final say in politics *tout court* (Vergara 2020, 241). With every citizen having her own seat (450-600 seats per PA, Ibid 252), as a network they have constitution creating and amending powers (Ibid 258-264), the ability to pass and veto laws (Ibid 252), and the ability to dismiss officials (elected or not) by countermanding their decisions (Ibid 255-256). This direct democratic power goes as far as seems possible in mass politics towards offering citizens the ability to create their own political worlds, thereby proffering the sense of creation many require to affirm a PCJ, which Rawls so struggled with (4.1.1).

Furthermore, this political authority is rested in the hands of the people in a maximally (radically) inclusive fashion: all can attend bar those elites whose presence would distort proceedings, e.g. the abbot in the PA of a seminary village (Ibid 252). PAs therefore have a strong claim, qua their maximal inclusivity, to being our best shot at the radical inclusivity necessary condition. In particular – vis-à-vis offering a complete menu of comprehensive doctrines for the overlapping consensus (2.1), complete menu of philosophies for wide-reflective equilibrium (2.2), and complete menu of the public political culture, as well as of the “background culture” (PL 14) doctrines with which to adjust the public political culture (2.3) – PAs excel at centring the ideas likeliest to be left off the menus, i.e. those of the plebeian non-elite. This centring of traditionally marginalised doctrines can be expected due to: opening up space for traditionally

marginalised doctrines by precluding (via exclusions³⁷ and anti-capture mechanisms³⁸) the perpetuation of presently dominant doctrines, the plebeian and egalitarian spirit PAs would inculcate in attendees (Chs 10-13).

PAs likewise inculcate a “reasonable faith” (PL 172) with regards to achieving another necessary condition, that of radical efficiency. By affording the people as direct a relationship with the PCJ as possible (via constitution creating powers Vergara 2020, 258-264), PAs can claim to be maximally efficient, enough to consistently achieve “the deepest and widest political conception of justice” (PL 149; 2.1.3) notwithstanding constant fluctuations in comprehensive doctrines. PAs will, at the least, facilitate a much faster (compared to today’s orthodox representative democracy, which Rawls is “clearly writing for” (Brooke 2015, 440)) response time in the PCJ to fluctuations in comprehensive doctrines, as the frequency of PAs (thrice a year Vergara 2020, 253) is much greater than that of representative elections. Other empowerments of the people proffered by PAs – *inter alia* the ability to pass and veto laws (Ibid 252), and the ability to dismiss officials (elected or not) by countermanding their decisions (Ibid 255-256) – will similarly enhance the directness of the people’s relationship to the PCJ, thereby further achieving radical efficiency. Another facet of radical efficiency PAs exemplify is the boon in deliberation they precipitate³⁹. The hope is that, by augmenting the average

³⁷ PAs exclude those who “occupy a position of political, judicial, cultural or religious authority” (Vergara 2020, 252), as well as lobbyists “advocating for wealthy individuals or corporations” (Ibid 252).

³⁸ Anti-elite capture mechanisms: the tempering cocktail of sortition and rotation, which PA councils (Ibid 253-254) and tribunates (Ibid 257-258) are subjected to, ensures that elites cannot co-opt the leaderships of the new plebeian branches as they have done historically (e.g. in Bolshevik Russia see Arendt 1963, 248 & 257-258) and in more recent attempts at assembly democracy (e.g. the French Economic, Social and Environmental Council co-opted in 2019 France’s developing deliberative mini-publics initiative see 9.2).

³⁹ This second of my two aforementioned empirical claims (see penultimate paragraph 4.1.1) is necessitated by the fact that the radical inclusivity PAs proffer comprises opportunity for participation, rather than actual participation. PA participation is not obligatory, and so I rely on the following to spur people on to attend and support PAs (9.2, brackets my own): “a populist localism, as is implicit in Vergara’s valorisation of bottom-up grassroots plebeian populism (Vergara 2020b, Vergara 2020c, Vergara 2024), and implicit in her burgeoning interest in and endorsement of localist environmentalism (Vergara 2022, 220; most recently energy collectives see Vergara 2025) ... the plebeian identity and community inaugurated by PAs (Vergara 2020, 243), and the common oligarchic enemy crystallised by PAs (Ibid 243,

citizen's direct political power, participation and deliberation will rise, thereby broadening and deepening our present constitutional consensus (3.2) into a PCJ faster.

- **5.2 Plebeian Assemblies as a Positive Environment for Public Reason**

PAs, to take stock, lend themselves eminently well to achieving the radical inclusivity, radical efficiency, and sense of creation necessary conditions (Part Two Introduction) – the three of which are the key to actualising the overlapping consensus (2.1), wide-reflective equilibrium (2.2), and public political cultural source (2.3) PCJ components. I now turn to the final, and thorniest for PAs to actualise, PCJ-component: public reason (2.4). Though I now elaborate how two necessary conditions of public reason (sensible guidelines of inquiry and reasonableness) are not discordant with PAs, I reserve much of my argument for how PAs might uphold the constraints of public reason for Ch 6, wherein I respond to objections.

Sensible guidelines of inquiry (2.4) and reasonableness (2.1.2, 2.2, 2.4) house an array of conditions (Part Two Introduction) for achieving public reason. In elaborating how they and their concomitant public reason might be fulfilled I take my lead from Rawls who takes a negative approach. Rawls indicates only that nothing would be permitted to stopper the functioning of public reason (PL 224-225), otherwise presuming it is already extant (Rawls presumes public reason is already sufficiently extant when an overlapping consensus is being sought (PL 157-158) and when liberal principles of justice are being applied during a constitutional consensus (PL 161-162)) – an approach in stark contrast to advancing an actualisation account which explicitly instantiates a PCJ-component (as he does with, say, the overlapping consensus see 2.1,

see also McCormick 2011, 179). Plebeians would also maintain PAs out of a different self-interest, that of pursuing the sublime [Rancièrian-egalitarian] experience of PAs, which I elaborate below (Chs 10-13).” These (I hope intuitive) conjectures as to what might precipitate participation are bolstered by historical evidence (6.1), though my empirical speculations in this Part Two are sparingly substantiated given the realistically utopian Rawlsian normative generosity (1.2) I am working within.

PL Lecture IV §6-7). Following Rawls, then, I now argue that nothing in the design of PAs precludes the functioning of public reason.

Though PAs have never yet been attempted, the assembly democratic tradition it takes inspiration from (Vergara 2020, Ch 7) proffers no end of examples of eminently reasonable deliberation along sensible guidelines of inquiry (the two core necessary conditions of public reason I identify; Landemore 2020, 132; Arendt 1963, 262 & 266). The worst unreasonable comprehensive doctrines would be filtered out by PAs' bans on discriminatory speech (Vergara 2020, 256) and on abrogating democracy (Ibid 258), PAs' "principle of equal liberty" (Ibid 258), and their obligation to respect "human dignity" (Ibid 261). Some PAs, naturally, would ignore non-controversial conclusions of science (failing the reasonableness necessary condition) and be devoid of "a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made." (PL 217; failing the sensible guidelines of inquiry necessary condition). This needn't worry us awfully, as the political deliberation of PAs is to be assessed by analysing the network of PAs itself, not individual PAs (see 6.1 for this Habermasian-Rhizomatic ideal of PAs).

Moreover, PAs handsomely fulfil Rawls's two explicitly stated conditions of possibility (JF 211) for public reason: (1) the PCJ must be able to specify a "clear basis of public reason" (JF116) which PAs do not preclude; (2) the "basic liberties and their priority" must be allowed to facilitate "the adequate development and the full and informed exercise of their two moral powers" (JF 112-113), which PAs facilitate as these two moral powers ("a capacity for a sense of justice and for a conception of the good" PL 19) would achieve "adequate development" more swiftly and broadly in PAs than under

present (representative) political systems, as PAs proffer more and more inclusive political deliberation than present representative systems⁴⁰.

All in all, there is no *prima facie* reason to believe PAs would not lend themselves to the actualisation of public reason and observation of its constraints on deliberation. Objections to, and further defences of, concordance between PAs and public reason are explored in Ch 6.

Many incidental synergies, between PAs and the PCJ's components, would also obtain. The requirement of free childcare at PAs, demonstrating Vergara's radical inclusivity, would (by virtue of the children's very presence) encourage citizens to think of future generations in the future-focused (radically inclusive) way the overlapping consensus requires (2.1.2). Separately, the enormous broadening of the public sphere of consequential political deliberation, from one or two elected assemblies (under present representative democracies) to myriad PAs, might also assist public reason in being truly public. This is to say that, too often, consequential political deliberation in representative democracies is performed by non-public reason i.e. "when the good of society is considered, this is not done by the public, if it exists at all, but by the rulers, whoever they may be" (PL 213). Even in the most participatory of representative democracies, consequential political deliberation is usually performed "by the [elected] rulers" (brackets my own). Therefore, most democracies more resemble "aristocratic and autocratic regimes" (PL 213), in the publicity of their reason, than democratic regimes comprising "citizens ... sharing the status of equal citizenship" (PL 213). PAs enshrine "the status of equal citizenship", giving all an equal say not just *de jure* but in practice, thereby ensuring that "when the good of society is considered", it is considered

⁴⁰ I thank Pritish Das for this point.

by the public and not by the rulers (elected elites), who have been reduced to “administration” rather than “politics” (Vergara 2020, 245 & 251). Hereby, public reason is achieved, as is (incidentally) the “publicity” (particularly the third level of publicity (PL 67)) Rawls’s PCJ aims at more generally (PL Lecture II §4, esp. 66-67).

A further note on empirical speculation (see penultimate paragraph of 4.1.1 for first note) is demanded by the necessarily (by virtue of the novelty of PAs, them never having been instantiated) speculative nature of Ch 5’s case for PAs as capable of instantiating the PCJ. Firstly, I reiterate that, because these speculations are made in service of plugging lacunae in Rawlsianism, they are made under the presumption of both realistically utopian conditions and Rawls’s general “optimism” about the progressive instinct of humanity (for Rawls’s “optimism” about *inter alia* “the probability, of an overlapping consensus” see Bejan 2021, 35). Secondly, these speculations – that PAs will be reasonable and observe sensible guidelines of inquiry, are politically feasible, will be sufficiently popular as to convert the opportunity of participation they proffer into actual participation (fn39; thereby achieving radical inclusivity) etc. – are fleshed out in the chapters to come via drawing on historical examples (Ch 6), further democratic theory, comparative analysis (Rawlsian fundamental comparisons of Vergara’s PAs and Landemore’s minipublics in Chs 7 & 9) and Rancièrian phenomenology (Chs 10-13). Whether these arguments sufficiently substantiate Chapter 5’s marriage of PAs with political liberalism is an open question. Conclusive evidence can of course not be claimed, given the entirely empirically untested nature of PAs (having been theorised but half a decade ago), and “since there are no guarantees of anything in politics” (Cohen 1997, 36).

➤ Chapter 6: Discordances between Plebeian Assemblies and Political Liberalism

Plebeian Assemblies, it may be objected, are simply too chaotic and unpredictable to inculcate a “reasonable faith” (PL 172) the PCJ might eventuate. An objector may contend that “a space reserved for argument and debate about common affairs”, if it is without limits, is one in which “ordinary people would be led astray by oration, argument, and the talkative exchange of opinion.” This, per Dana Villa, is the view of *inter alia* Thucydides, Plato, and Rousseau (Villa 2017, 44). Public reason (2.4), with its necessary conditions of reasonableness and sensible guidelines of inquiry (Part Two Introduction), seems precluded by such a sophistic setting. Furthermore, such unpredictable circumstances of supercharged PCJ-creation could precipitate myriad PCJs nearing overlapping consensus, meaning PAs have but a slim chance of yielding the desired (Rawlsian) PCJ outcome, so our objector might continue.

However, anyone embarking on a radical political programme, particularly one as democratic as PAs, must resign themselves to the people’s indeterminacy. Or as Joshua Cohen put it “this is not especially troubling, since there are no guarantees of anything in politics” (Cohen 1997, 36). Agonists (amongst whom Vergara can loosely be grouped see Conclusion-Echoes) have an instructive attitude here. Though they deny the very possibility of an overlapping consensus (Mouffe 1993, 85), and are resigned to a pluralism so diverse (Ibid 136) and immutable (Ibid 137) that their own preferred PCJ has little shot at pre-eminence, they argue that “to honor the ethos of pluralism ... is surely to pursue an ideal.” (Connolly 1995, 92). Therefore, my endorsement of PAs, and concomitant resignation to advancing both any PCJ and a Rawlsian PCJ, is not incoherent but in the spirit of the pluralism which underlies the drive for, and cogency of, a

Rawlsian PCJ in the first place. Ultimately I am trading in the certainty of a PCJ pastiche ('broadcasting' PCJ-inculcation, i.e. under representative (elective or lottocratic) democracy all might become aware of the PCJ but most would never properly affirm/endorse it see 4.1, 9.1), for a chance ('chance' as all sorts of PCJs might emerge from the radical democracy of PAs) at a genuinely affirmed (i.e. not broadcasted) PCJ. In any case, one cannot guarantee that PAs will uphold the PCJ, observe the limits of public reason, achieve universal wide-reflective equilibrium etc. (as emphasised a number of times during this thesis see e.g. 4.2 and particularly Part Two Conclusion). Though seeking to go as far as possible towards such a guarantee, if my political system goes further in this direction than Rawls's (a somewhat low bar, given Part One's (e.g. 4.2) establishment of the vacuum of political design in Rawls), then it has served its purpose in softening the PCJ's void of legitimacy opened up by Rawls's dearth of democratic design.

Our objector might, however, be undeterred. She might extend her critique by arguing that there is no chance of a PCJ emerging from the deliberative imbroglio inaugurated by PAs, and no chance of said imbroglio acquiescing to the constraints of public reason. Specifically, she could contend that PAs would be much too drawn towards populist oversimplifications and rhetoricians, would be much too unreasonable, to facilitate the sort of exceptionally reasonable deliberative environment (i.e. something approximating the original position⁴¹ see PL 26-28) required by the reasonableness and sensible guidelines of inquiry necessary conditions of public reason. Given that we are aiming for the most "reasonable" of all PCJs, which Rawls maintains

⁴¹ Original position: no one knows "his place in society ... his fortune in the distribution of natural assets and abilities ... his conception of the good ... his psychology", all to ensure the optimal deliberative situation of deliberators evaluating "principles solely on the basis of general considerations" (TJ 118) rather than on the basis of self-interest (Wolff 2016, 153-156).

his is (PL 28, PL 226-227, PL 391; see also 2.2), she might claim PA deliberations haven't a chance at such maximal reasonableness, the high standard for which I reiterate comprises *inter alia* "a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made." (PL 217) whilst consistently filtering out unreasonable comprehensive doctrines. How, for example, could the sort of complex legal and philosophical discourses (precipitated by paying careful attention to constitutional contestations in judicial review see 4.1 (JF 147)) required to deepen the constitutional consensus into an overlapping consensus (3.2) occur in PAs between ordinary people, and without the assistance of deliberative techniques (7.1, see also Landmore 2020, 139). In any case, it must be shown that PAs can comprise an adequately reasonable deliberative environment for facilitating the deepening and widening of the constitutional consensus into an overlapping one (3.2), the achievement of wide-reflective equilibrium (2.2), and the complex teasing out of latent principles from the public political culture sensitive to the background culture (2.3). Or at least a feasible avenue, matching up to the realistically utopian requirements (1.2, 3.1), must be charted, for achieving the necessary conditions I have outlined.

- **6.1 Defending the Possibility of Reasonable Plebeian Assemblies Producing the Political Conception of Justice**

History provides ample ammunition for the argument that ordinary people, organised in assemblies, are perfectly capable of the requisite reasonable and complex legal and philosophical deliberations to, for example, observe the constraints of public reason whilst deepening the constitutional consensus. Both sides of my fundamental comparison (Vergara (PAs) and Landmore (MPs) see Chs 7 & 9) affirm this as such. Landmore valorises the ability of the Athenian model of assembly democracy to achieve relatively high quality "public deliberation" (Landmore 2020, 132; though she

acknowledges this was impinged by sophistry and an exclusionary approach to membership). Arendt, whom Vergara parses with care and partially aligns herself with (Vergara 2020, Ch 7), affirms that the requisite reason to come to affirm highly complex constitutional principles and observe sensible guidelines of inquiry has occurred in assemblies all throughout history (Arendt 1963, 262 & 266). Indeed, Arendt contends that such local assemblies are the finest examples of constitution creation, at least on the metric of preserving “the rights of mankind”, understood as liberties, spaces for judgement and opinion, defence of interests, potential for action etc. (Ibid 232).

This establishment of “reasonable faith” (PL 172), that what has occurred before can eventuate again, does not, of course, translate fully. PAs go to an extent of inclusivity, i.e. total, that has never been tried, and there will surely be some assemblies wherein minorities are marginalised, and the sophists rule supreme. But Vergara does not place her faith in each and every PA achieving the requisite reasonability. Rather, as the PCJ is to be constructed at the national level, hashed out between the PAs, what is really required is that the public political sphere *between* the PAs is adequately reasonable, observes sensible guidelines of inquiry etc. This is Vergara’s rhizomatic politics ideal⁴² or, as she has elucidated it at other junctures, her ideal of PAs achieving Habermasian deliberative rationality⁴³⁴⁴. Therefore, the individual chaos of PAs, the fact that some of

⁴² Inspired by Deleuze and Guattari’s *A Thousand Plateaus*, rhizomatic politics is defined by a non-linear organisational structure *sans* hierarchy wherein every actor/entity can connect with every other actor/entity on equal terms. See Vergara 2020, 245 for an endorsement of this ideal, albeit without the rhizomatic nomenclature.

⁴³ These rhizomatic and Habermasian claims are predicated on Camila Vergara’s claims. During keynotes at the University of Chicago Sortition Conference (January 24-25, 2025) and the University of Chicago Graduate Conference in Political Theory (‘Re-visioning Politics: Theorizing Liberation in Crisis’; April 12-13, 2025), Vergara claimed as an ideal the methods of communication and mutual reliance of rhizomatic root systems. In remarks to the author at the University of Chicago Political Theory Workshop (April 14, 2025), and not publicly circulated as far as the author is aware, Vergara claimed as “an illustration” (personal communication, received 25 July 2025, on file with the author) that the ‘rhizomatic’ network of PAs would, in ideal conditions, achieve Habermasian deliberative rationality.

⁴⁴ Habermasian deliberative rationality: a process of checking claims to truth, moral rightness, and legitimacy via an inclusive process where all have an equal opportunity to contribute free from coercion, fraud etc. (Habermas 1996, Ch 7), in efforts to achieve “a public sphere of mutually interlocking and

them may be anarchic states of nature or fascistic dictatorships, is to be ironed out in dialogue between them, meaning the requisitely reasonable deliberative discourse required by the PCJ, and by Rawls's actualisation account, is not precluded.

Public reason, however, grates against Habermasian rationality. Habermas's theory of communicative action, as a comprehensive doctrine, takes a firm enough stand on questions of comprehensive doctrines⁴⁵ to leave it discordant with Rawls's commitment to agnosticism on such questions of comprehensive doctrines. If PAs realise Habermasian deliberative rationality, their communication (as a network, i.e. between each other not within them) will contain rational presuppositions which prevent a common (Rawlsian) public reason emerging, as the idea of public reason should stand apart from any particular comprehensive doctrine or philosophical theory of truth and rationality (PL 376–381).

Thankfully, Vergara's invocation of Habermasian rationality is more illustrative than an attempt to nail the colours of Plebeianism to a Habermasian mast⁴⁶. The example of Habermasian rationality is intended to indicate that discourse between PAs as a network would be reasonable, peaceful, inclusive, efficient, eminently sensible in its guidelines of inquiry, and indeed possible – thereby touching on all but one ('sense of creation') of the PCJ's necessary conditions (Part Two Introduction) and ensuring that any resultant PCJ/public reason is stable for the right reasons (i.e. not merely affirmed

overlapping networks and associations of deliberation, contestation, and argumentation" (Benhabib 1996, 74).

⁴⁵ Habermas valorises some elements of practical and theoretical reason whilst dismissing some metaphysical/religious doctrines, as well as rejecting naturalism and emotivism in moral argument (PL 376-377).

⁴⁶ Personal communication, received 25 July 2025, on file with the author. I thank Professor Vergara for clarifying that her invocation earlier that year of Habermasian rationality as an ideal of inter-PA communication was "more an illustration", and that she rejects it for reasons similar to this thesis's Rawlsian reasons for rejecting it: that it would preclude the full and equal participation of all in deliberation (Vergara's particular objections being that Habermasian rationality doesn't sufficiently account for material inequalities and for forms of communication such as indigenous communication/consensus-building which cannot be construed as deliberative rationality).

by a fortunate *modus vivendi* from the imbroglia of PAs, but affirmed by a resolute consensus of reasonable doctrines from a reasonable PA-network).

There are, of course, further discordances between PAs and political liberalism. The exclusion of elites from PAs could be rejected as rendering the political coercion of said elites illegitimate (qua violating the “liberal principle of legitimacy” PL 137), and would almost certainly be disavowed by Rawls as such (a). Secondly, one might wonder how a liberal *modus vivendi* which is stable for the right reasons would emerge in PAs: as local assemblies they are likely to be less heterogeneous than representative assemblies and therefore less seized of the importance of a liberal *modus vivendi* and of stability for the right reasons (less seized of stability for the right reasons as they would be less seized of the need to maximally respect other comprehensive doctrines in the process of public justification (PL 390)) (b). Thirdly, “a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made” (PL 217), part of public reason and its concomitant reasonableness and sensible guidelines of inquiry necessary conditions, might be absent given that part of the goal of PAs is to construct a plebeian identity via an explicitly adversarial relationship with elites (Vergara 2020b, 83-84, 86, 92; Rancière 1995, 25; McCormick 2011, 12 & 14) (c).

These objections need not scupper PAs as a PCJ justification mechanism, if not quite a panacea. For (b) we need claim that the liberal *modus vivendi* and its development into an overlapping consensus must eventuate between PAs, rather than within them (as per my preceding rhizomatic-Habermasian elaboration). For (c) we need clarify that this adversarial relationship does not preclude “a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made.” (PL 217). Rather, the goal is to construct a productive (of freedom

and equality), reasonable (in the Rawlsian sense of wishing to cooperate with others as free and equal persons under a spirit of reciprocity (PL 50)) relationship between plebeians and elites (Smith forthcoming, Introduction). For (a) we need make the deliberative claim that it is only by depriving these elites of some political participation rights that requisitely radically inclusive and reasonable deliberation can occur.

With this exclusionary response, however, a deeper Rawlsian problem emerges. The PCJ resulting from such a partially exclusionary process might not be omnilateral, insofar as coercion of the excluded elites⁴⁷ might seem illegitimate from their point of view. Elites are not entirely excluded, they are still able to participate in PCJ-creation via the indirect mechanisms of remaining representative democracy (Vergara 2020, 251), and many more informal manners (petitions, writing to PAs and tribunates, donating to parties, participating in and funding media and political issue campaigns etc.). Politics and PCJ-creation is not the exclusive preserve of the core constitutional institution (elected representative assemblies presently, PAs in this thesis), unorthodox inputs such as those just relayed are often most of the picture. Nevertheless, leaving elites with some avenues of political participation only softens this legitimacy critique of exclusions, without entirely rebutting it. I now advance a more concrete response.

Why, *arguendo*, would these elites view the coercion effected on them as illegitimate? Rawls's principle of legitimacy argues coercion must be "exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to

⁴⁷ Elites to be excluded are those in positions of "political, judicial, cultural or religious authority-including all public officials serving in political posts and their staff, judges, and religious leaders". Lobbyists "advocating for wealthy individuals or corporations" are also excluded (Vergara 2020, 252). Though this is Vergara's final statement of elites to be excluded, this is not an exhaustive list. At other junctures Vergara mentions other positions of elite power, such as "military commanders" (Ibid 244), which should also be excluded, and generally emphasises the presently protean state of her PA blueprint (Ibid 266-267).

their common human reason.” (PL 137). It is, I believe, within our common reason that elites, qua their exalted status, must politically participate in different manners to regular citizens. It is, after all, broadly accepted in modern democracies that (elite) “judges, and religious leaders” (Vergara 2020, 252) remain politically agnostic lest they, qua their exalted status, endanger the separation of powers and of church and state respectively. Reasonable persons, with whom Rawls’s principle of legitimacy is exclusively concerned, are moved by a desire for a social world “in which they, as free and equal, can cooperate with others on terms all can accept.” (PL 50). Were elites reasonable, I contend, they would recognise they cannot possibly participate in PAs as they would preclude any PA they attend from being “free and equal”. Let me provide some examples. Jurors sitting on a jury with a supreme court justice on it, as a fellow juror, are not “free and equal” jurors. PA attendees in the PA of a seminary village with an archbishop in attendance are not “free and equal” PA attendees. It would be unreasonable for this archbishop to expect fellow attendees to conduct themselves freely and equally in view of the power, both spiritually and in terms of employment, he wields over them. Therefore, the archbishop could not attend and still claim to be moved by a desire for a social world “in which they, as free and equal, can cooperate with others on terms all can accept.” (PL 50). In summary, excluded elites who view their exclusion as illegitimate are unreasonable. Rawls argues the unreasonable can be coerced in a manner illegitimate from their point of view (“a state that is endorsed only by its reasonable citizens is thereby entitled to exercise its coercive power over unreasonable citizens without their consent.” Friedman 2003, 163), as part of his general exclusion of the unreasonable (unreasonable views cannot be allowed into the overlapping consensus lest they affirm it for the wrong reasons thereby endangering its stability (Cohen 2009, 56-58) or sully the PCJ’s reasonableness itself (Ibid 55-56)). This

exclusion of the unreasonable goes to such an extent that Rawls sanctions containing these unreasonable doctrines as we contain “war and disease” (PL 64).⁴⁸

So these objections are all rebuttable, and at the least do not stopper the ability of PAs to inspire in us a belief that “Our social world might have been different and there is hope for those at another time and place” (JF 38, another ‘realistically utopian’ standard of Rawls’s see 1.2). In any case, PAs start from a position of great strength vis-à-vis Rawls’s actualisation account as they actually make an attempt at detailing “sufficient political ... forces” (PL 158). This is not to say Rawls’s actualisation account should be discarded in favour of PAs, after all PAs do not proffer the theory of change (conjectural history, 3.2) or of political education (moral psychology, 3.3) Rawls does (notwithstanding that I later make an attempt at offering a theory of change and of political education (Chs 10-13) from within Vergara by expanding her use of Rancière). Rather, I posit Rawlsianism could adopt PAs to assuage the dearth of democratic design which cripples its justificatory (of the PCJ) actualisation account.⁴⁹

⁴⁸ Separately, incidental benefits are proffered by elite exclusions. Myriad benefits are envisioned by plebeianism (McCormick 2010; Vergara 2020, 244): e.g. elite exclusions as a counterweight to the inevitable instrumentalization of elections by elites, and to the anonymity elites presently enjoy whilst dominating plebeians (McCormick 2011, 179; 171-172). However, to keep the rebuttal to which this footnote is added an immanent critique within Rawlsianism, I draw an example benefit from Cohen (2009). If Joshua Cohen and GA Cohen (as aforementioned see fn36) are right – that a grave danger for political liberalism is that the egalitarian components of the principles of justice will be undercut by the process of their common mediation “and result in an unacceptable accommodation to power in the formulation of principles.” (Cohen 2009, 48) – then exclusions of elites, who are likely to be the greatest source of such pressure to accommodate within the principles greater inegalitarianism (anathema to the egalitarian PCJ see Ibid 48), will be valuable in securing the egalitarian PCJ.

⁴⁹ N.B.: When it comes to implementation, PAs are not a one-size-fits-all method of actualising the PCJ. Rawls emphasises that the PCJ will have to be realised in different manners in different societies (PL 297). PAs, via their Arendtian foundations, share a similar aversion to blueprints (Crick 2001, 159). In any case, PAs are a novel proposal, and thus both malleable and likely to be refined over the coming years (needing to adapt, for example as Vergara envisions, to the possible absence of a Machiavellian prince-like figure and the variable entrenchment of systemic corruption (Vergara 2020, 266-267)).

➤ Chapter 7: Fundamental Comparison of Plebeian Assemblies and Landemorian Minipublics

To treat Rawlsianism as inadequate or defeated merely for the failure of its seminal texts to provide answers for every challenge (in our case the failure to specify a reasonable, radically inclusive and efficient political system proffering a sense of creation and observing sensible guidelines of inquiry (Part Two Introduction)) would be churlish. Having “spawned an instant literature” effectively upon publication (Magee & Dworkin 1977, 19:50), and many more since, Rawlsianism can draw upon no end of fortifying oeuvres. Perhaps the most apposite for our purposes of democratic design is deliberative democracy, an emblematic example of which (Hélène Landemore’s *Open Democracy*) I now appropriate as an alternative (to PAs) response both to the lacunae Part One has carved and PA’s claim to being the preeminent solution to these democratic dearths in Rawls (Ch 5).

I hope, in comparing PAs to Landemore’s minipublics (MPs; 2020, Ch 6), to identify the former’s weaknesses, proffer modifications, and emphasise virtues. Via this comparison to a highly prominent⁵⁰ alternative – which broadly also attempts to achieve the necessary conditions I have identified (see e.g. Landemore’s definition of the ‘democraticity’ she aims at 2020, 81-82) – I argue PAs are the preeminent avenue to justifying the Rawlsian PCJ⁵¹. This comparative approach follows Rawls’s ‘fundamental comparison’ methodology: no general argument for PAs emerges from a victorious comparison, but successful comparisons indicate whether central tenets of a proposal

⁵⁰ It having already achieved that compliment for political theory that is appropriation with a view to application in finance (Zingales, Hart and Landemore 2024) and constitutional law (Pal, Vitale and Ammann 2025).

⁵¹ I will again take up this fundamental comparison in Ch 9 to assist in arguing that PAs are the preeminent avenue to actualising the Rawlsian PCJ.

are on the right track (JF 95). Furthermore, the approach of comparing alternatives two at a time most closely approximates how a PCJ would be selected by a body such as a PA (JF 95).

- 7.1 Open Democracy as a PCJ Panacea

Landemore's democratic designs would make great progress along the radical inclusivity and radical efficiency requirements for justifying the PCJ. For the former, Landemore plants her flag firmly on the Habermasian side of deliberative democratic ideals, claiming MPs proffer "inclusion, equal opportunity to raise questions and objections, to make contributions of any relevant kind, as well as absence of power, coercion, lying, and fraud" (Landemore 2020, 138). Such rational Habermasian deliberation also *prima facie* fulfils the reasonableness and sensible guidelines of inquiry necessary conditions. MPs are further radically inclusive via their lottocratic selection, which augments inclusivity by including "the shy, the less articulate, minorities, and the vulnerable" (Ibid 139), whom Landemore suggests are insufficiently heard in representative or otherwise self-selected democracy. As for radical efficiency, discussions in her MPs would be "carefully curated and facilitated" to make considerable improvements in deliberation quality by "taking advantage of advances in the study of human psychology and the social conditions of proper equality" (Ibid 139, see also 192-193) so as to optimise "the rationality of collective decision-making processes" (Benhabib 1996, 71).

Open Democracy, across its MPs and the representative (be it traditional or liquid⁵²) architecture it retains, would craft the PCJ with a maximally representative sample of citizens (radical inclusivity), doing so via discussions optimised to produce

⁵² Liquid representative democracy: votes can be delegated to others for some or all issues. Delegators can retract their votes as they please (Landemore 2020, 122).

the highest quality PCJ (radical efficiency). Though Landemore deliberately neglects to make the following argument (choosing instead to align herself with Habermas see p. 138), I believe she has a cogent claim to getting as close as possible to the original position deliberative situation Rawls envisions as producing his PCJ. Those who through her MPs are of course not “amnesiacs” as Dworkin liltily put it (Magee and Dworkin 1977, 10:21), but insofar as OP is realisable MPs get close. Sortition and rotation evacuate as much as possible of the self-interest we see emerging in standard representative political PCJ-creation (Landemore 2020, 142), thereby approaching the original position ideal of mutual disinterest (TJ 127). MP members become radically efficient and reasonable deliberators via expertise (Landemore 2020, 142 & 192) and enlightening amateurish discourse (Ibid 192-193).

I am, of course, approaching the gushing. Landemore does not afford her MPs constitution crafting powers or the “final say” as Vergara does (both of which for Vergara play the essential roles of achieving radical efficiency and proffering the feeling of creation (see Ch 5)). Indeed, acquiescing to a critique of Cristina Lafont’s, Landemore believes that MPs should not “be making the decisions on momentous issues” at all (Ibid 116). Even if we ignore this concession, she must make the tenuous presumption that every PCJ, philosophy, and background culture (required by wide-reflective equilibrium’s complete philosophical menu see 2.2 and 2.3) can be included in a single MP in the first place. Perhaps, in diverse (in terms of comprehensive doctrines) states this is impossible, thereby precluding MPs being radically inclusive.

I have been this generous, in making the case for MPs, so as to construct as commanding a rival (to PAs) for justifying Rawls’s PCJ as possible. PAs cannot claim such a perfect deliberative environment, they are radically inclusive in a different way. They do not, as Landemore does, assemble perfectly representative cross-sections of a nation

so as to create a concomitantly perfectly representative PCJ (i.e. worked up from the public-political and background cultures (2.3) using fully representative menus of comprehensive doctrines (overlapping consensus 2.1) and major philosophies (wide-reflective equilibrium 2.2)). Rather, PAs aim at a perfectly representative PCJ by having the entire citizenry directly construct the PCJ. PAs cannot possibly rival the quality of public reason MPs would reach, as the latter employ *inter alia* sampling and (deliberative democratic) discourse enhancing techniques which allow them to maximise their reasonableness and diligence in observing sensible guidelines of inquiry (e.g. in observing the non-controversial conclusions of science via the use of experts). In sum, *Open Democracy* challenges PAs as follows: MPs create as perfect a PCJ as possible, and therefore have a stronger claim to realising the Rawlsian PCJ.

Landemore, however, takes a shortcut. She constructs via radically inclusive (sortition) and radically efficient (techniques of deliberative democracy) means the PCJ, then broadcasts it. This is the strongest form of the broadcasting approach I have taken issue with (4.1), as it is proselytizing a purportedly perfect and optimally acceptable product. Landemore seems to presume that citizens would affirm the broadcasted PCJ because they would recognise it as having been *de facto* (achieving Habermasian deliberative democracy see Landemore 2020, 138) constructed by themselves (trusting in the representative sampling of the sortitioned assemblies), and indeed by their best selves (Rawlsian deliberative democracy, see paragraph two paragraphs back), given sortitioned representatives are as well informed and afforded as much time as they could ever be, as well as benefitting from deliberative democratic techniques.

- 7.2 Open Democracy Comes Up Short

Open Democracy's radical efficiency and radical inclusivity – resting on claims (respectively) of leveraging deliberative democratic and sampling techniques – seem

similarly defensible to those of PAs. However, Landemore endorses Habermasian rationality as characterising deliberation in MPs when properly operated (2020, 138). Habermasian rationality clashes, as aforementioned (6.1), with public reason's aversion to any such rationalism, as rationalism does not lend itself to endorsement by all. Therefore, Landemore's MPs cannot embody public reason. This precludes them from justifying the PCJ, public reason being an essential element (2.4)⁵³.

Open Democracy also flags on the practical side of things⁵⁴. Recall the two more practically focused requirements of justifying the PCJ: that many will only affirm the PCJ via rigorous contemplation (wide-reflective equilibrium see 4.1.2) or sense of creation (recognise themselves as having created the PCJ see 4.1.1). Open Democracy's claims on these two considerations are significantly more tenuous, social theoretically, than PAs, edging them beyond the realistically utopian framework (1.2). Why, for example, would the average citizen accept that an MP has performed the requisite rigorous contemplation on their behalf? Why would they not regard the deliberative democratic techniques and exceptionally complex sampling (it being, after all, an extraordinarily complex process to select a cross-section of a nation which would also possess the full philosophical menus required by both the wide-reflective equilibrium (2.2) and public-political cultural source (2.3) necessary conditions), qua their complexity, with great suspicion, much like Rawls predicts the average citizen regards the complex calculations of utilitarianism with sufficient suspicion to preclude their affirmation of utilitarianism

⁵³ This, incidentally, uncovers a Rawlsian inconsistency in Landemore's *Open Democracy*: she claims both that MPs would instantiate Habermasian deliberative rationality, and that her MP model's opening of democracy makes public reason possible (it having been precluded by Rawls's 'closed' exemplar of public reason being the supreme court see Landemore 2020, 4-5). In other words, Landemore does not acknowledge the *prima facie* irreconcilable tension between couching *Open Democracy* in language of reopening public reason (4-5), and her embrace of "an explicitly Habermasian version of the deliberative democracy ideal" (138).

⁵⁴ A weakness explored further in Ch 9.

as defining the PCJ (JF 116). As for the sense of creation necessary condition, Landemore would have to argue that citizens (let us imagine an Italian, female, Catholic conservative) would feel authorship over a PCJ if the PCJ-creating MP (or lattice of MPs) had someone with a number of her characteristics (for our imagined citizen, this might be Italian Prime Minister Giorgia Meloni) as a member. This view seems to deny the uniqueness of political viewpoints, and to some extent the separateness of persons. It also, most importantly, puts the Rawlsian cart before the horse. Remember that in an overlapping consensus, all comprehensive moral doctrines have been worked up into corresponding PCJs, allowing for their intellectual interaction with other comprehensive doctrines (PL 165). However, during a constitutional consensus (our present stage, from which actualisation accounts try to move us towards the overlapping consensus) this has not yet occurred, meaning that Giorgia Meloni will have to come up with a PCJ for the comprehensive moral doctrine of, say, Catholicism. The PCJ she comes up with will necessarily be unrepresentative: both because it will be warped by her other doctrines (say, her conservatism), and because it will reflect her varietal of Catholicism rather than the consensus of the entirety of those who hold the comprehensive doctrine of Catholicism.

All in all, this is not to say MPs could not justify the PCJ, nor that they aren't a feasible avenue for doing so, only that they seem to have serious problems which PAs do not, thereby handing victory in the fundamental comparison to PAs.

➤ **Part Two Conclusion**

A point of clarification, on the type of argument I have thus far made (and Part Three continues to make) is here warranted, before I conclude. *It has not been an argument that PAs are likelier than all alternatives to generate each and every facet of the*

PCJ. Such a general argument is precluded by the necessary brevity of this thesis, and the empirical analysis of PAs that would also be necessary is precluded by their novelty.

Some attempts at such a *general* argument have nevertheless been made (Chs 5 & 7): e.g. it does seem the case that PAs are among the most radically inclusive democratic designs presently theorised, and therefore among the likeliest to achieve an overlapping consensus (2.1) in wide-reflective equilibrium (2.2) from a complete philosophical menu drawn in the first instance from public-political culture (2.3). Some attempts at such a *general* argument are also made in Part Three: e.g. that PAs are the political system likeliest to have the devotion to egalitarianism demanded by the PCJ, argued via Rancièrian phenomenology (Chs 10-13). This fair-minded egalitarianism leaves them likely to afford the PCJ stability for the right reasons (as stability for the right reasons requires equal and maximal respect to all reasonable comprehensive doctrines⁵⁵), which is another necessary condition insofar as it is part of the reasonableness and sensible guidelines of inquiry necessary conditions of the PCJ (Part Two Introduction). Weaker forms of this *general* argument have also been advanced, such as my defence (Chs 5 & 6) of the ability of PAs to *prima facie* realise the ideal of public reason and observe its constraints. Weaker forms of this *general* argument are advanced in Part Three, such as my indication that plebeians are likely to support the priority of liberty, recognising it as the surest foundation of the newfound freedom and equality which PAs have granted them (13.1).

These are all contingent arguments, they may convince the reader PAs are the likeliest democratic design to actualise the PCJ, thereby filling Rawls's lacuna of democratic design and justifying the project of political liberalism, or they may not. It

⁵⁵ "without criticizing or rejecting their deepest religious and philosophical commitments ... all the while supposing that others no less reasonable than we may also affirm and recognize that same basis" PL 390.

takes, to erode e.g. the egalitarianism argument, but one study indicating plebeians are presently inegalitarian (for the, say, understandable reason of atomisation producing avarice). Furthermore, these arguments cannot cover every facet of Rawls's PCJ, it having an array of conditions and components far beyond what I have the space here to relay. These contingent/*general* arguments, notwithstanding comprising the bulk of this thesis, must therefore rest on a more solid base, a concrete foundation which makes them worthy of attention notwithstanding their contingency.

This concrete argument, for examining PAs as the best candidate for filling Rawls's lacunae of democratic design, runs as follows. PAs, compared with every other democratic design presently mooted, are likeliest to actualise *any* PCJ. Recall my broadcasting critique (4.1, 9.1 for a more Arendtian gloss). It posits that a significant portion of people will only affirm a PCJ if they feel they have created it. Without this sense of creation, a significant enough number of reasonable citizens will not affirm the PCJ, thereby precluding the overlapping consensus required by the PCJ to be legitimate. Representative systems do not proffer this feeling of creation (4.1, 9.1). PAs proffer it maximally, i.e. to each and every citizen via their seat in their respective PA. This maximal provision of political power also establishes the pre-eminence of PAs when it comes to radical inclusivity and radical efficiency (Ch 5), the two other necessary conditions measuring whether any (rather than a Rawlsian) PCJ will be realised (the two final necessary conditions of the pentad (Part Two Introduction), reasonableness and sensible guidelines of inquiry, being primarily measurements of whether a Rawlsian PCJ will be instantiated, rather than just any PCJ). PAs are likelier than any other presently mooted system to generate a PCJ *tout court*, and therefore pre-eminently worthy of being analysed (i.e. having their more contingent arguments explored as relayed in the two preceding paragraphs) in their capacity to generate a *Rawlsian* PCJ.

To conclude Part Two, PAs succeed where Rawls's underdetermined model fails. Via their radically inclusive and efficient democratic design proffering a sense of creation whilst maintaining reasonableness of deliberation and sensible guidelines of inquiry (all five necessary conditions, Part Two Introduction), they give us an idea of how a PCJ might be instantiated and maintained, thereby proffering a "reasonable faith" (PL 172) that "sufficient political ... forces" (Pl 158) exist for a "just constitutional regime" (PL 172) ordered by the PCJ. Rawls's eschewal of advancing a sufficient democratic design was a mistake. But it is a mistake that can be fixed. The fundamental comparison (Ch 7) fortifies the claim of PAs to be that fix, by distinguishing them against an eminent rival (MPs) via a methodological mechanism Rawls himself recommends.

Part Three: The Phenomenology, Sublime Experience, Popularity, and Concomitant Political Possibility of Plebeian Assemblies

If Part Two attempted to justify the PCJ (and hence Rawlsian political liberalism) by filling in his political system lacunae with PAs, Part Three elaborates the feasibility of this PA fix for Rawlsian indeterminacy. If Part Two aimed at justifying the PCJ, Part Three contemplates actualising the PCJ.

Given that a feasible (albeit realistically utopian see 1.2, 3.1) actualisation account is Rawls's chosen method of justifying the PCJ, the following demonstration of the political, social, and psychological forces (PL 158) which might instantiate and maintain PAs (and therefore the PCJ see Part Two) may well further justify Rawlsian political liberalism, by even further inculcating a "reasonable faith" (PL 172) they and their concomitant PCJ might be feasible. Let me be clearer. Turning from justification to actualisation, Part Three fleshes out Part Two's account of how PAs might instantiate the Rawlsian PCJ by elaborating why PAs themselves might eventuate and endure. It does so via a (Rancièrian) phenomenological argument elaborating the sublime experiences PAs might proffer (Chs 10-13), correcting Vergara's misreading of Rancière's definition of the political in the process (Ch 12). This phenomenological argument, by demonstrating "sufficient social ... psychological forces" (PL 158) for plebeian assemblies to eventuate and actualise the Rawlsian PCJ, combined with Part Two's demonstration that plebeian assemblies proffer "sufficient political ... forces" (PL 158) to actualise the PCJ, completes the trifecta of requirements ("sufficient political, social ... psychological forces" (PL 158)) to justify the PCJ on Rawls's own account. By completing this trifecta, PAs become

a complete actualisation account, capable of justifying the PCJ on their own, i.e. without having to lean on Rawls's actualisation account (Ch 3).

Going beyond the fanciful coincidence of a liberal *modus vivendi* eventuating (conjectural history, 3.2), and the presumption people can recognise a good sense of justice (moral psychology, 3.3; cf Achen & Bartels 2016), Part Three provides a fleshed out and fully feasible account of how it all might actually come to pass.

➤ Chapter 8: The Importance of an Account of Actualisation

But why should we go beyond Rawls's realistically utopian (1.2) framework, and investigate the PCJ's actualisation in this more fleshed-out manner? Three core reasons motivate the following Part 3.

First of all, some of the following arguments for the feasibility of PAs will still be relevant to justification, that is if the following account is sufficiently convincing (notwithstanding its heavy reliance on the sort of speculative social theory Rawlsianism regards as unsuitable for political philosophy) to inculcate a "reasonable faith" in a "just constitutional regime" ordered by the PCJ (PL 172).

Secondly, the omens for the eventual envisioned actualisation of the PCJ are gloomy. America (Rawls's model see Forrester 2019, 225) has been drifting away from Rawls's vision since he published *A Theory of Justice* in 1971, as he himself acknowledged (Harvard University Press 2001), and as has only become clearer in the quarter century since his passing. Therefore, a more determined actualisation account, and one that departs from present orthodoxy (electoral representative democracy), seems required if one is serious about actualising the PCJ in the foreseeable future.

Finally, a more detailed elaboration of PAs consolidates their victory in the fundamental comparison with MPs (Ch 7), to which I now turn.

➤ Chapter 9: Applied Fundamental Comparison – Rawlsian and Political Failures of Landemorian Minipublics

- **9.1 Rawlsian Failures of Landemorian Minipublics**

MPs fail because citizens will never affirm the broadcasted PCJ as anything more than a mere “mood” (Arendt 1963, 268). Because representative politics do not enable “the citizen to become a ‘participator’ in public affairs” (Ibid 268), and because even on Landemore’s most ambitious empirical example lifelong inhabitants only have a 67% chance of being selected for an MP (Landemore 2020, 91; Reuchamp 2019), we must accept (were we to follow Arendt) the following consequences of operating a democratic system with a significant representative component. “The only thing which can be represented and delegated is interest, or the welfare of the constituents, but neither their actions nor their opinions.” (Arendt 1963, 268). Here Arendt suggests that the material interests of citizens could be inputted by MPs into a PCJ (aiding, for example, the broadening of the constitutional consensus into an overlapping consensus, insofar as said broadening requires data on the material requirements of basic liberties PL 164), but that their political opinions could not be inputted. This is a similar critique to my previous ‘Meloni’ MP critique (7.2): political opinions/conceptions of justice are sufficiently complex and personalised as to be impossible to holistically represent, meaning that representation ensures a warped philosophical menu (a perfectly representative menu being a requirement of the overlapping consensus (2.1), wide-reflective equilibrium (2.2), and public political culture as a source (2.3) necessary conditions), thereby precluding the actualisation and concomitant justification of the PCJ.

Arendt's critique, however, is even more biting. She does not rest at purporting the impossibility of representing political opinions, or in Rawlsian terms the impossibility of holistically representing the myriad comprehensive doctrines, philosophies and "background culture" of citizens. Instead, Arendt goes further, contending that – because "Opinions are formed in a process of open discussion and public debate" and there is "no opportunity for the forming of opinions" for those being represented (i.e. all citizens bar legislators) – the vast majority of citizens in contemporary representative democracies simply have "no opinion" on public affairs (Arendt 1963, 268-269). Under representative systems such as MPs, it doesn't matter how radically inclusive and radically efficient their democratic designs are, as there are simply almost no opinions to be represented. Such a desert of political opinion precludes the PCJ's actualisation *tout court*. For example, the emergence of rival political conceptions of justice, which serves as a precondition for the instantiation of an overlapping consensus (PL 165-166), is precluded by such representative systems.

In summary, MPs cannot realise the PCJ, per Arendt, as the complete philosophical menu within the people cannot be represented (paragraph 1) and MPs do not proffer the requisite public spaces for the complete philosophical menu to develop within the people in the first place (paragraph 2).

- 9.2 Political Failures of Landemorian Minipublics

All actualisation accounts must address the myriad challenges contained within the jibe 'that's all well and good in theory, but why would this actually happen'. Two primary contained challenges include 'who would bring this about' and 'how would it resist backlash from elite and oligarchic interests which might lose out'. PAs have cogent answers to these questions, MPs do not.

PAs would be brought about by that strong majority of most societies identifiable as plebeians, understood as those of “subpolitical status ... subordinate subjects” (Vergara 2020, 219) i.e. all those without the privilege of being political, religious, etc. elites, in recognition of the fact that “within liberal democracy ordinary citizenship is second-class citizenship” (Green 2016, 9). Plebeians would be spurred on to create PAs by a populist localism, as is implicit in Vergara’s valorisation of bottom-up grassroots plebeian populism (Vergara 2020b, Vergara 2020c, Vergara 2024), and implicit in her burgeoning interest in and endorsement of localist environmentalism (Vergara 2022, 220; most recently energy collectives see Vergara 2025)⁵⁶. Plebeians would maintain PAs both in service of the plebeian identity and community inaugurated by PAs (Vergara 2020, 243), and the common oligarchic enemy crystallised by PAs (Ibid 243, see also McCormick 2011, 179). Plebeians would also maintain PAs out of a different self-interest, that of pursuing the sublime experience of PAs, which I elaborate below (Chs 10-13).

PAs also address the other aforementioned actualisation challenge: elite backlash. Their popularity, for the reasons adduced in the preceding paragraph, would help stopper backlash, as would the construction of said elites as the plebeians’ adversary (Vergara 2020, 243). In any case, as Landemore attests from her experience with the 2019 French Citizens’ Convention for Climate, “ordinary citizens, once empowered, are very protective of their prerogatives and will actively and vocally resist perceived attempts at manipulating them” (Landemore 2020, 197). PAs’ ace, however, is their explicitly anti-oligarchic construction, in the form of a Tribune office with the constitutional prerogative to oversee and enforce PA decisions and investigate elite

⁵⁶ An implicit actualisation account expressed explicitly to the author at the University of Chicago Political Theory Workshop (April 14, 2025), and confirmed via a personal communication, received 25 July 2025, on file with the author.

political corruption (Vergara 2020, 249), backed up by Tribune control over the forces of order (Ibid 250).

MPs do not have a comparable (to plebeians) constituency to call on, or a similarly overwhelming popularity to rely on. Landemore eschews an account of MP popularity in mass politics, founding her account of actualisation on the eminent rationality of open democracy winning over today's political elites. Though there is some evidence of this (e.g. President Macron's initially full-throated support for the 2019 French Citizens' Convention for Climate, on which Landemore relies "to illustrate the possibility of open democracy at scale" (2020, 21)), it creates such a vulnerability to elite backlash that it succeeds at one actualisation challenge ('who would bring this about') only by guaranteeing failure on the other actualisation challenge (safeguards against elite backlash). Depending entirely for actualisation on a political class and system which *Open Democracy* critiques and wishes to do away with is a contradiction bound to confound actualisation. This has occurred in the aforesaid French example, where France's Economic, Social and Environmental council co-opted (after the Citizens' Convention for Climate 2019) the process and now directs and funds all such consultative MPs. Landemore shies away from this challenge, devoting but five pages (2020, 194-198) to elite backlash and neglecting to mention how completely the Citizens' Convention for Climate she was inspired by failed at this challenge. Compared to Vergara's anti-oligarchic tribunate, which can "punish those who, by engaging in political corruption, have betrayed the republic." (Vergara 2020, 242), MPs perform dismally.

I hope this fundamental comparison of actualisation accounts has, again (Ch 7), shown that MPs are an inferior road to actualising the PCJ. The following chapters elaborate my phenomenological account of why PAs might come to pass, might be

engaged with *en masse*, and might in the process actualise Rawls's PCJ. This phenomenological account addresses the two components of Rawls's standard for justifying the PCJ ("sufficient ... social ... psychological forces" PL 158), which Part Two (focusing, as it did, entirely on the third component of Rawls's standard for justifying the PCJ, i.e. "sufficient political ... forces" PL 158) left aside.

➤ Chapter 10: Vergara 2.0 - The Sublime Experience of Plebeian Politics

The special experience, of wielding power and performing politics, contributes to the popularity (and concomitant feasibility) of PAs. I expect people to throng PAs and afford that same popularity to their products (for our purposes the PCJ), because they will for the first time have been handed the "final say" (Vergara 2020, 241) over their public lives and those of their loved ones, as well as experiencing for the first time the sublime sense of public freedom/happiness ("the passion for distinction ... more essential and remarkable than any other human faculty" Arendt 1963, 119).

That PAs are such sublime experiences is not explicit in *Systemic Corruption*. Vergara hints at the special experience of assembly politics via her reproduction of Arendt (Vergara 2020, Ch 7), but shies away from endorsing it in her own voice. Without such sublime experiences, PAs might be insufficiently popular to be radically inclusive, to offer the sense of creation (4.1.1) and rigorous contemplation (4.1.2) to as many as possible (in search of an overlapping consensus in wide-reflective equilibrium), to resist elite backlash (9.2), and to eventuate in the first place. Vergara's account can, however, be recast to elevate the PA experience, the theoretical support for which is latent in Vergara's use of Rancière. If it can be established that (thanks to the unique political experience) citizens would flock to PAs and afford them full support (crafting the PCJ in

the process), then PAs can be sensibly regarded as the preeminent method for actualising a PCJ⁵⁷.

I wish to now briefly valorise the phenomenological argument (Chs 11-13) to follow.

If I am successful in showing PAs would be a sublime experience of some kind, then a diffusion of this experience and its sublime-political élan is foreseeable. This is to say that PA attendees, radicalised and empowered by the experience, might go on to elevate PCJ-creation elsewhere (in remaining representative institutions, at the dinner table, in the community etc.). This specific snowball effect is attested to by Landemore, who noted⁵⁸ that attendees at MPs (specifically the aforementioned 2019 French Citizens' Convention for Climate) were often so invigorated by the experience that they subsequently ventured into mainstream politics in service of causes they had become acquainted with during the MP. There is also on offer a more general snowball effect, of the experience of "political equality" precipitating "empowerment" (Allen 2023, 34). This is to say we have a "species property" of developing morally and politically when we participate democratically (Ibid 35), a tendency for democratic experiences to precipitate broader political flourishing which Allen argues (citing Williams 2009 and Sen 1999) is attested to by Aristotle (Allen 2023, 35).

Were such a broadening of the political conversation to occur, it would do wonders for the radical inclusivity necessary condition of a system attempting to actualise the PCJ, as well as for the sense of creation (4.1.1) and rigorous contemplation

⁵⁷ I write "a" PCJ, rather than "the" PCJ (i.e. Rawls's PCJ), as establishing the popularity of PAs only indicates that an overlapping consensus (2.1) in wide-reflective equilibrium (2.2) drawn from public political culture (2.3) is possible. The popularity of PAs does not indicate that a Rawlsian PCJ would be produced. To indicate a Rawlsian PCJ would be produced one must establish that, *inter alia*, PAs would be sufficiently egalitarian (Chs 11-13) and would support the priority of liberty (13.1), two key components of the content of a Rawlsian PCJ.

⁵⁸ At the University of Chicago Sortition Conference (January 24-25, 2025).

(wide-reflective equilibrium 4.1.2) necessary conditions. PAs, I should like to emphasise, are likeliest to precipitate such a snowball effect, as they offer the most intensely political experience (qua offering the “final say” (Vergara 2020, 241) over politics to the largest amount of people (all citizens)).

➤ Chapter 11: The Egalitarian Experience of Rancièrian Politics

For Rancière, politics emerges when what we traditionally understand as politics (the ‘police’: the distribution (and legitimation of) of powers, places, and roles see 1995, 28) is unsettled. Politics emerges when this police order is challenged by an *egalitarian* order, when those who have no recognised part in the way things are, the police order, claim a part (Ibid 29-31). Democracy, when “there are specific political performers who are neither agents of the state apparatus nor parts of society” (Ibid 100) “is the institution of politics itself” for Rancière (Ibid 101). Rancièrian politics is a special experience: every emergence of politics strikes its instigators with the realisation they are claiming and carving out a space for themselves, a recognised political role, an equal place of importance in humanity, something more than a mere “reproductive” role (Ibid 7 & 23). It is, in short, the experience of becoming someone both in the eyes of others and oneself, through realising one is just like those who have ‘a part’ (“from the moment the plebs could understand Menenius's apologia ... they were already, just as necessarily, equals.” Ibid 25). Via acquiring the requisite logos to become a full participatory member of a linguistic community, and thereby realise one’s superiors are no better than one, one moves, as Rancière’s Aristotelian framing has it, from being the link between animality and humanity to becoming human (Ibid 17; see also Vergara 2020, 189 for an Arendtian gloss). If this radically egalitarian experience, the very experience of realising one has it within oneself to be unilaterally equal (particularly with the elites

who formerly denied one one's place), is proffered by PAs, then a cogent case exists for PAs inaugurating the thoroughly egalitarian PCJ⁵⁹.

This radically egalitarian experience occurs in PAs. Vergara designed them to confront the present order of things (police) with finally giving the many (2020, 241) a political say. All plebeians, by definition those who have no part both in Vergara ("subordinate subjects" 2020, 219) and Rancière (1995, 26), are immediately given a part in crafting the police order by PAs. This instant and absolute enfranchisement is precisely the sublime egalitarian experience Rancière describes. There is a reason that Todd May, in "the first single-authored book in any language devoted entirely to the thought of Jacques Rancière" (May 2008, blurb), chose to summarise Rancière's work, in the book's subtitle, as simply: "Creating Equality".

Vergara's treatment of Rancière, however, comprises two paltry pages outlining his place in plebeianism (2020, 224-225). Nevertheless, *Systemic Corruption* is replete with Rancièrian language – "refuses the limits of the dominant order"; "redraw the boundaries of what is considered permissible and what is deemed oppressive"; "claiming collective power and authority by disrupting the ordinary administration of power" (Ibid 222 & 219, 8, 10, see also 219) – to the extent that, combined with how demonstrably seamlessly he fits into Vergara's formal PA model, one can read Rancière's sublime egalitarian political experience into Vergara without offending her premises or distorting her model.

⁵⁹ Rawls's PCJ is fundamentally egalitarian: "obvious starting point ... everyone should have an equal share" PL 281; TJ 62-63 for Rawls's egalitarianism vis-à-vis the lengths to which he goes to eradicate natural and social luck. See also Cohen (2009, 48) for Rawls's egalitarianism as encapsulated by his advancement of "three requirements: the fair value of political liberty, fair equality of opportunity, and the maximin criterion of distributive equity." This emphasises egalitarianism as a vital necessary condition for actualising *Rawls's* PCJ: if a political system, such as PAs, is sufficiently egalitarian, then it is likely to actualise (if we believe, with Rawls, that a belief in egalitarianism leads to his PCJ) the egalitarian content of the PCJ identified by Cohen, i.e. broadly the three principles of the PCJ.

PAs, granting this sublime egalitarian Rancièrian experience to all plebeians, would be immensely popular, thereby securing their feasibility and actualising *a* PCJ, and what's more in a such an *egalitarian* fashion as to actualise *the* (Rawlsian-egalitarian) PCJ.

➤ Chapter 12: Rancièrè-Vergara Discordance – The Police is not Oligarchy

There is, however, a problem. Following Vergara (her identification of Rancièrè's 'police' with "the oligarchic structure of power" 2020, 224), we have claimed that the sublime political experience is ever present in PAs as they perennially challenge oligarchy with egalitarian-plebeian orders (thereby proffering the requisite egalitarianism to actualise a Rawlsian PCJ). Vergara, however, misreads Rancièrè. The police is not necessarily oligarchic, but rather the more general "system of distribution and legitimization ... essentially, the law, generally implicit, that defines a party's share or lack of it ... an order of bodies that defines the allocation of ways of doing, ways of being, and ways of saying" (Rancièrè 1995, 28-29). Vergara's PAs are plainly part of this order. They determine distribution and legitimisation, the law and concomitant allocation to different parties etc. Therefore, Rancièrè's sublime experience evaporates for plebeians the moment they are given their part in society, as in Vergara's model the plebeians' part in society is institutionalised in assemblies thereby making them part of the police. In Rawlsian terms, this would mean that PAs cannot possibly be radically inclusive, as (on Rancièrè's paradigm) they are part of the police order and therefore, by definition, maintain the exclusion of "specific political performers who are neither agents of the state apparatus nor parts of society" (Ibid 100), i.e. some entirely marginalised group.

PAs, the moment they succeed in confronting police logic with egalitarian logic thereby inaugurating the political, evacuate themselves of politics. Politics, for Rancière, is an “activity antagonistic to policing” (Ibid 29) – how can PAs be antagonistic to the order they have “final say” (Vergara 2020, 241) over? The more PCJ-creating power we afford PAs the more identified with the police they become, therefore the less politically sublime they are, therefore the lower their attendance would be, thereby scuppering the chance of sufficiently radically inclusive, radically efficient, egalitarian and popular PCJ-creation. This suicidal varietal of politics is fleshed out in Sheldon Wolin’s conceptualisation of democracy⁶⁰ as fugitive. Wolin’s democracy (identified with equality (Wolin 1994, 21-22) much like Rancière’s democracy (May 2008, 40)), via democracy’s “extraordinary release of human energies” (Wolin 1994, 21), creates the social inequalities (Ibid 21-22) and shields for anti-democratic forms of power (e.g. granting corporations the same, sometimes more expansive, rights as people Ibid 22) that end up destroying equality and consequently democracy. Therefore, granting even Vergara’s oligarchy-police identification which she (for our purposes) shares with Wolin, democratic politics is incessantly destroying itself.

Is Rancièrian politics destined to be a candle in the wind, flickering in and out of existence as it emerges only to destroy itself? Thereby precluding the consistent, reasonable, radically efficient political deliberation we require to instantiate Rawls’s PCJ?

Not so, I will argue, as the same inequality-generating facets of democracy which destroy it also ensure adequate inequality for Rancièrian politics (ergo also democracy). The germ of this point is that there will always be a police order sufficiently

⁶⁰ Democracy being identical to politics in Rancière’s model, see “the institution of politics itself” Rancière 1995, 101.

inegalitarian, precluding enough people from having a part, for Rancièrian politics to emerge from a confrontation between this police order and egalitarian logics. This intuition, which I now elaborate (Ch 13), dispatches the self-destruction of Rancièrian politics, predicated as it is on the purported impossibility of opposing an order (police) whilst being (as PAs are) part of it.

➤ Chapter 13: The Possibility of Politics à la Rancière

There is a world of difference between plebeians sculpting the police (occurs with the opening of PAs) and having entirely sculpted it (an egalitarian Rawlsian PCJ, one hopes). During the process of moving from sculpting to sculpted, most probably endless (not least thanks to democracy's eternal generation of inegalitarianism identified by Wolin), plebeians will continue confronting remaining inegalitarian police logic with egalitarianism. Being able to sculpt the police by virtue of being afforded that power by the police does not preclude being "antagonistic" to that police order, thereby creating politics (Rancière 1995, 29). One can be "In and Against" government, as the London Edinburgh Weekend Return Group so pithily put it now more than four decades ago.

The Rancièrian political élan which makes PAs popular – a popularity essential for aforementioned reasons of achieving radical inclusivity, the sense of creation (4.1.1) and rigorous contemplation (wide-reflective equilibrium) (4.1.2), and maximising PA popularity thereby ensuring they eventuate (9.2), snowball (8, 9.2), and resist elite backlash (9.2) – will, in summary, only disappear when police and egalitarian orders are one. One hopes this is when a Rawlsian PCJ defines the police, it being fundamentally egalitarian and therefore eminently attractive to PA members, insofar as (per my Rancièrian elaboration) they will all be steeped and invested in egalitarianism, it being the fount of their newfound power in PAs and the sublime experience they proffer. If

egalitarianism (the sublime egalitarian experience of PAs Ch 11) is the fundamental motor of citizens' attendance at, and enjoyment and support of, PAs, then there is every reason to believe attendees would be very positively predisposed to Rawls's egalitarian PCJ.

Indeed, Rawls's insights into the eminent reasonableness of egalitarianism reveal it as a further motor behind PAs being able to build momentum and attendance: as discourse increases and plebeians have impressed on them the sheer plurality of their comrades, they will come to increasingly affirm egalitarianism (egged on by the burgeoning Rawlsian PCJ) as the fundamental goal to be pursued, therefore heightening Rancièrian politics rather than it dissipating (Ch 12) at the creation of PAs. A virtuous cycle – of Rancièrian egalitarian experiences fostering support for Rawls's egalitarian PCJ, which in turn valorises and spurs on the Rancièrian egalitarianism at the heart of PAs, is possible.

- **13.1 Plebeians and the Priority of Liberty**

Before tolling the bells at this happy marriage of plebeianism and political liberalism, I address one last objection to the feasibility of PAs generating the PCJ. Why would plebeians, for so long (and indeed, at the opening of PAs, still) denied the basics of life and disposable income alike, respect the priority of liberty⁶¹, i.e. not choose to prioritise “economic efficiency and growth” over the basic liberties (PL 295)? Two types of response present.

Firstly, recall the egalitarianism we have established, via Rancièrian phenomenology, plebeians (whilst attending PAs, at least) would be awash with. Would their first and most natural act not be to place beyond the bounds of politics the

⁶¹ In essence that the fulfilment of the basic liberties (a non-exhaustive set of which is listed PL 291) must be complete before the two more socio-economic components (1.1) of the PCJ receive attention with a view to fulfilment (PL Lecture VIII; PL 294-295).

“principle of equal liberty”, as Vergara argues they would (2020, 258)? Would it not be the most reasonable act to fortify their newfound power – rooted as it is in the egalitarianism which the new political and civil liberties (underlying PAs) have afforded them – by placing an inalienable priority on these liberties?

The second, related, response focuses on how immensely valuable the basic liberties (e.g. “the political liberties and freedom of association ... the rights and liberties covered by the rule of law” PL 291) would be to PA attendees. Valuing the sublime political and egalitarian experience of PAs as highly as plebeians do (Chs 10-13) – PAs having politically enfranchised them to the extent they move from their purely “reproductive” role (Rancière 1995, 23), as the link between animality and humanity, to becoming human (Ibid 17) – attendees would place a significant priority on what had afforded them this political and social elevation in their very nature⁶². The basic liberties play a vital role in this elevation: “political liberties” defend their participation in PAs (and will have been vital in the process of militating for PAs), the freedom of expression contained with the “freedom of thought and liberty of conscience” (PL 291) defends the content of their PA participation as well as their defence of PAs outside of the assembly itself, and “the rights and liberties covered by the rule of law” will be similarly valued for their worth in instantiating and maintaining PAs. Furthermore, the full exercise of these basic liberties would itself be a product of PAs, as PAs (for the first time) afford plebeians the “final say” over politics (Vergara 2020, 241) and the forces of order (Ibid 250) required to properly protect and exercise their basic liberties. Therefore, the basic liberties may also be prioritised for the simple reason that, as Landemore observed,

⁶² The fact that this high valuation of their elevation would fade with time is a concern. However, we can take comfort from the fact that the PCJ would be constructed at the opening of PAs (their first action being the formulation of a constitution Vergara 2020, 261), and from the fact that the sublime experience of PAs would be perennially preserved (as my Ch 12 & 13 refutation of the purportedly suicidal nature of Rancièrian politics showed).

“ordinary citizens, once empowered, are very protective of their prerogatives and will actively and vocally resist perceived attempts at manipulating them” (Landemore 2020, 197). Indeed, far from de-emphasising the basic liberties in favour of more materialistic priorities, Machiavelli (per Vergara) found that plebeians, thanks to their longtime exclusion from politics, have ingrained in them a special relationship with liberty to the extent that they are “the only legitimate guardians of liberty” (Vergara 2020, 138; Machiavelli 1531, I.3-5; see also McCormick 2011, 8).

Should all these considerations and experiences fail to inculcate in plebeians the priority of liberty, they could nevertheless support it for its value in pursuing material priorities: recognising that the basic liberties underpin PAs, and that PAs are their best hope of securing their material interests.

Conclusion

➤ **Echoes in Rawlsianism and Democratic Theory**

For Rawlsianism, the consequences are clear. The dearth, in Rawls's oeuvre, of a radically inclusive and efficient political system proffering a sense of creation and overseeing reasonable PCJ-creation which observes sensible guidelines of inquiry (the five necessary conditions I have identified, Part Two Introduction), is a problem which must be remedied, as this absence precludes actualisation of the four PCJ components identified in Ch 2, and therefore precludes justification of the PCJ. Should Rawlsians have faith in the cogency of his PCJ, they should militate for, and wargame, PAs – that is if they are convinced by my argument that PAs are a preeminent mechanism for achieving a PCJ, therefore presenting an adequate litmus test for Rawls's PCJ (see Part Two Conclusion). Moreover, Rawls's lacunae are a fertile, rather than an intractable, problem. PAs are but one adoptable solution, and many others – deliberative polling via minipublics integrated into representative democracy (Fishkin 2018), representative democracy revamped with an understanding of representation as claim-making rather than absolute (Saward 2010, see e.g. 168), representative democracy with a globalised public sphere (Benhabib 2006),lottocratic minipublics retaining some representative democracy (Guerrero 2024; Abizadeh 2020) or getting rid of representative politics entirely (Hennig 2017) – could and should be assessed in their ability to fill these lacunae in the justification (and actualisation) of Rawlsian political liberalism. I should also like to emphasise that my shift in focus towards the necessary conditions for PCJ-creation is in itself a contribution to Rawlsianism. In particular, sparse protest has been levelled at the eminently objectionably utopian requirement that all those in

overlapping consensus affirm it in wide-reflective equilibrium (2.2). The requisite radically inclusive philosophical menus seem a very high epistemic bar.

Though Rawls mused that a constitutional regime regulated by his PCJ might be among the best manners of achieving deliberative democracy (JF 148), I have argued (fundamental comparison Chs 7 & 9) that it is rather the diametrically opposed agonists (insofar as Vergara (by virtue of her Machiavellianism see Vergara 2020, Ch 4), Wolin, and Rancière can all be loosely grouped as adversarial agonists⁶³) who are presently most synergistic with the Rawlsian goals of justifying and actualising the PCJ. This paper cannot be regarded as harmonising Rawlsianism with agonism, as the latter disavows the universal affirmation (Mouffe 1993, 85) the PCJ aims at. Nevertheless, insofar as Rawls is one of the two wells from which deliberative democracy derives “legitimacy” (Landemore 2020, 138), my fundamental comparison erodes this legitimacy by showing deliberative democracy to be comparatively (to agonism) out of touch with Rawlsian political liberalism’s justificatory (Parts Two and Three) and practical (Part Three) needs.

➤ **Conclusion**

This tripartite thesis has advanced three core arguments.

Part One elaborated the onerous requirements (overlapping consensus (2.1), wide-reflective equilibrium (2.2), public-political cultural source (2.3), public reason (2.4)) of the PCJ. It carved lacunae in Rawlsian political liberalism by emphasising Rawls’s failure to elaborate a political system capable of actualising these PCJ components, notwithstanding that his chosen method of justifying the PCJ requires such an elaboration (1.2, 3.1). In particular, it demonstrated this dearth of democratic design

⁶³ Adversarial agonism embraces the 'conflictual dimension and its crucial role in the formation of collective identities' (Mouffe 1999, 752), as well as privileging conflict as both the essence of politics and the primary fount of freedom (Smith forthcoming, Introduction).

by emphasising Rawls's failure to fulfil the five necessary conditions⁶⁴ I identify (Part Two Introduction).

Part Two filled these lacunae – of a (realistically utopian) PCJ actualisation account, required to justify said PCJ in its role as response to the central problem of political liberalism (Ch 1) being the problem of pluralism (see fn1) – with plebeian assemblies, by demonstrating the sense of creation they proffer, and the radically inclusive and radically efficient politics they might instantiate (Ch 5). Having defended plebeian assemblies – from objections that *inter alia* they comprise insufficiently reasonable deliberative environments incapable of observing sensible guidelines of inquiry (6.1) – as the preeminent political system for justifying the PCJ (Ch 6), Part Two closes with a fundamental comparison between plebeian assemblies and Landemorian minipublics (Ch 7), the former's victory in which further fortifies its claim to justifying the PCJ.

Turning from justification to actualisation, Part Three fleshes out Part Two's account of how plebeian assemblies might instantiate the Rawlsian PCJ, by elaborating why plebeian assemblies themselves might eventuate and endure. It does so via a (Rancièrian) phenomenological argument elaborating the sublime egalitarian experiences plebeian assemblies might proffer (Chs 10-13), correcting Vergara's misreading of Rancière's definition of the political in the process (Ch 12). This phenomenological argument, by demonstrating "sufficient social ... psychological forces" (PL 158) for plebeian assemblies to eventuate and actualise the Rawlsian PCJ, combined with Part Two's demonstration that plebeian assemblies proffer "sufficient political ... forces" (PL 158) to actualise the PCJ, completes the trifecta of requirements ("sufficient

⁶⁴ Radical inclusivity, radical efficiency, sense of creation, sensible guidelines of inquiry, reasonableness.

political, social, or psychological forces" (PL 158)) to justify the PCJ on Rawls's framework. Crucially, it does so in a manner demonstrating that the sublime egalitarian experience of plebeian assemblies comprises optimal conditions for reaching not just any PCJ, but Rawls's PCJ. Prepend to this (Chs 10-13) more practical and social theoretic Part of my thesis is another fundamental comparison (Ch 9), which further distinguishes plebeian assemblies over Landemorian minipublics (Ch 9), whilst further critiquing Rawls's broadcasting approach to spreading the PCJ (9.1).

The goal of this thesis has been for Parts Two and Three to demonstrate that, were plebeian assemblies added to Rawls's actualisation account, the result would marshal "sufficient political, social, or psychological forces" (PL 158) to inculcate a greater "reasonable faith ... in the possibility of a just constitutional regime" (PL 172) than the "reasonable faith" instilled by Rawls's lacunae-ridden actualisation account (Part One). I hope, then, that this thesis has inspired in readers the belief that "Our social world might have been different and there is hope for those at another time and place" (JF 38).

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