

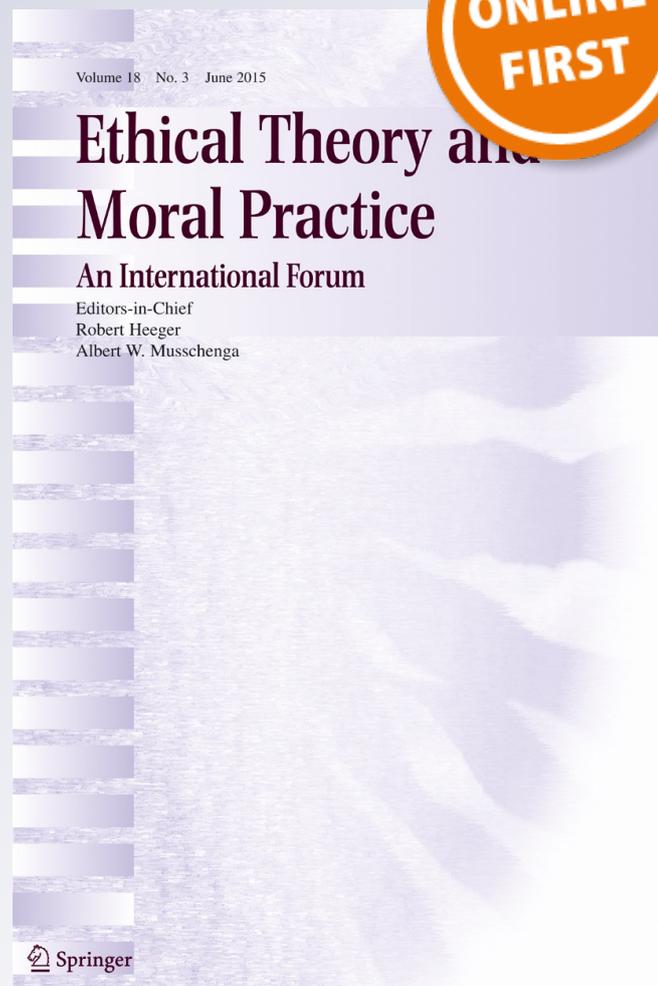
# *In Defense of the Asymmetric Convergence Model of Public Justification: A Reply to Boettcher*

**Kevin Vallier**

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# In Defense of the Asymmetric Convergence Model of Public Justification: A Reply to Boettcher

Kevin Vallier<sup>1</sup>

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**Abstract** This piece defends the asymmetric convergence model of public justification in response to James Boettcher's critique. I maintain both that Boettcher's critique of asymmetric convergence fails and that his alternative view, Weak Public Justification, faces a number of serious challenges.

**Keywords** Public reason · Political liberalism · Public justification · Convergence · Liberalism

The asymmetric convergence model of public justification holds that all intelligible reasons may enter into the process of public justification, including controversial private reasons, like religious reasons, so long as these reasons meet minimal epistemic and moral conditions (Gaus and Vallier 2009; Gaus 2011, 38–42; Vallier 2014, Ch. 4). The model is a significant departure from the mainline political liberal model of public justification, which restricts justificatory reasons to reasons that are either accessible or shareable among members of the public at the right level of idealization (Rawls 2005, xlix–xlix; Quong 2011, 261–273). Unlike the mainline model, the asymmetric convergence model allows laws and constitutional essentials to be publicly justified based solely on unshared and inaccessible reasons. It rejects any substantive restraint on citizens' public discourse, allowing them to act on whatever intelligible reasons they like and advance them in dialogue. Nor must legislators deliberate in shared terms; instead, they need only work to ensure that the laws they support are publicly justified to multiple reasonable points of view (Vallier 2014, 184–96).<sup>1</sup> What's more, the asymmetric convergence view allows for private, even religious, reasons to play the role of defeaters for

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<sup>1</sup>Importantly, however, the convergence view is demanding by requiring that legislators not support what they justifiably believe to be defeated law. But it is no more demanding than the consensus view in this regard. I thank an anonymous referee for this point.

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**Notification** This paper is a discussion piece that directly replies to James Boettcher's recent piece in this journal.

✉ Kevin Vallier  
kevinvallier@gmail.com

<sup>1</sup> Department of Philosophy, Bowling Green State University, Bowling Green, OH, USA

the justification of coercion, though they cannot by themselves justify the use of coercion if secular citizens or citizens with different religious views have their own defeaters (Gaus and Vallier 2009, Vallier 2014, 196–217). The view is *convergent* because it allows diverse reasons to justify a law, and so allows reasons to converge on a justified law. And the view is *asymmetric* because it is easier for reasons to defeat coercion than justify it.

For readers of this article, the above is just a refresher for debates about the nature of public justification. But I offer the refresher in the hopes of developing a plausible line of response to James Boettcher's recent criticisms of the asymmetric convergence model in favor of his alternative to both the mainline and convergence models (Boettcher 2015). I begin by defending the convergence view against Boettcher's criticisms (I–II). I then criticize Boettcher's model (III–IV) and conclude (V).

Public reason views are the most popular accounts of political legitimacy in political philosophy. So, though this article concerns an internecine debate among public reason liberals, insofar as the reader cares about the legitimacy of political institutions, then, she should have some interest in assessing public reason accounts. In particular, she should care about the plausibility of the asymmetric convergence model, as it offers a dramatic departure from the mainstream view of public reason.

## 1 Contra Boettcher on Asymmetric Convergence

Boettcher's first criticism of asymmetric convergence focuses on rejecting asymmetry (Boettcher 2015, sec. 4). To focus my reply, I want to rebut the criticism by stressing that convergence and asymmetry are not separate principles. Instead, convergence in combination with a presumption against coercion *implies* asymmetry. If so, we can assess Boettcher's arguments against asymmetry and convergence as arguments against a single position.

Convergence is asymmetric because it allows private reasons to serve as defeater reasons for the justification of coercive laws, and in doing so empowers defeater reasons to prohibit legal coercion that would otherwise be justified by appealing to other diverse reasons. Thus, diverse reasons can serve to justify coercion, but in many cases *other* diverse reasons will undercut the former's justificatory power. Asymmetry is therefore not a mere add-on to the convergence view, but an implication of its conjunction with a standard presumption against coercion.<sup>2</sup> If a law L is only publicly justified when each person has sufficient reason to endorse it, and is defeated when any reasonable group has sufficient reason to object, then the asymmetric power of private reasons is implied. To put it another way, if you have a rebutting, private reason to reject a coercive law, the law is not convergently justified. Similarly, if the only reasons that can justify a law are reasons particular to one group's sectarian comprehensive doctrine, the condition of convergent justification is not met. Asymmetry, then, is not an external commitment to treating reasons to reject coercion and reasons to accept or promote coercion differently. Rather, asymmetry *is implied by* a convergence view.<sup>3</sup>

We can now draw two lessons. (1) The asymmetry assumption does not stack the deck against coercion, nor does it lack justification. The justification for asymmetry is convergence and a presumption against coercion. (2) Successful arguments against asymmetry must

<sup>2</sup> I thank an anonymous referee for stressing the central role of the presumption against coercion in justifying asymmetry.

<sup>3</sup> Which is typically packaged with a presumption against coercion, though convergence is not unique among conceptions of justificatory reasons in being so associated.

undermine convergence or a presumption against coercion. For this reason, we need not assess Boettcher's arguments against asymmetry independently of our assessment of his arguments against convergence and his concerns about the proper conception of coercion in public reason.

Boettcher's critique of convergence concerns two main arguments for convergence over consensus views. First, some claim that convergence better respects the public reason liberal's commitment to recognizing reasonable pluralism, as it allows multiple reasons to figure into the public justification or defeat of state coercion. Boettcher replies by arguing that the kind of respect that matters is "respect for *persons as free and equal citizens*" (Boettcher 2015, 10). What we're interested in, as public reason liberals, is respecting persons as rational and reasonable. But to respect persons as rational and reasonable does not require "Ana to adopt Ben's comprehensive doctrine just in order to have adequate access to dispositive considerations for the exercise of coercive political power." (11) So Boettcher holds that convergence requires Ana to understand Ben's comprehensive doctrine in order to engage with him as a citizen. But, Boettcher argues, demanding that she do so "is contrary to treating her as both equally invested in a fair scheme of cooperation and free to affirm a rival doctrine or conception of the good" (11). In this way, convergence fails to successfully respect the diversity of citizens.

But convergence does not require this demanding form of what Rawls called reasoning by conjecture (Rawls 2005, 462–5; Schwartzman 2012). Convergence, at most, requires Ana to ascertain whether Ben's doctrine rejects a law, not *why*. In fact, I have argued that convergence does not require Ana to take up Ben's perspective *at all*. Convergence merely states the conditions under which coercion is publicly justified; it says almost nothing about how citizens are to conduct themselves vis-à-vis one another. Thus, Boettcher's critique falls short because convergence views do not require explicit reasoning by conjecture.<sup>4</sup>

In a telling footnote (Boettcher 2015, 12), Boettcher acknowledges that convergence may do a better job protecting religious liberty, as convergent reasons will ensure that restrictions on religious liberty are hard to publicly justify. For instance, a religious group might have religious reasons to engage in self-harm (e.g., religious rituals involving the physical mortification of the flesh) that a consensus view could not recognize, such that the consensus view would permit coercing the religious group to not engage in self-harm. Boettcher thinks we can allay this worry via "the demand that all reasonable citizens recognize and prioritize the value of *religious liberty* as part of a reasonable political conception, even when they do not fully appreciate how that liberty is being exercised." So since we have shared reason to protect religious liberty, consensus views can protect religious liberty too.

It is true that consensus views can use this strategy to protect some religious liberties, but probably only for core cases. How are we to determine the bounds of rights of religious freedom? That is, do we have any resources to help us figure out when some legal process has defined rights of religious liberties too broadly or too narrowly? We have more help on a convergence view, as we can appeal to the specific reasons of the groups in question to set the boundaries of the right. Blanket appeals to religious liberty are notoriously ambiguous, as demonstrated by the increasing progressive reliance on a narrow "freedom of worship" construal of the bounds of religious liberty. Do our shared reasons favor broad religious liberty or something narrower like the increasingly popular narrow "freedom of worship" view? It is

<sup>4</sup> Boettcher points to Boettcher 2007 to back up the arguments here, but he does not explain how the piece buttresses his argument. Since I have limited space, I will not attempt to reconstruct the connection.

harder to say on the consensus view than on the convergence view. Consequently, convergence retains the advantage of respecting religious diversity more than consensus views.<sup>5</sup>

The second argument advanced in favor of convergence is that it better respects individual liberty and integrity than the consensus view (Vallier 2014, Ch. 4). The consensus view, manifested in principles like Rawls's duty of civility, permits the ostracism of religious citizens when they appeal to religious reasons to support political positions that will not, in due course, turn out to be supported by public reasons. Boettcher acknowledges that consensus views allow for this ostracism, which limits liberty, while convergence does not require it. But Boettcher cautions against exaggerating "the effects of this interference" (11). After all, the restriction does not interfere with personal civil or political liberties. Further, the restraint-generated costs to religious freedom and personal integrity "have to be weighed against the disrespect shown to other free and equal citizens when religious or other comprehensive reasons are allowed to play a decisive role in arranging the basic institutional structure shared by all." So while Boettcher acknowledges that consensus views restrict liberty in some ways, he claims that convergence has a countervailing cost, namely the disrespect shown to other citizens when religious or comprehensive reasons shape the basic institutional structure.

Unfortunately, Boettcher provides no explanation of why this shaping constitutes disrespect. My suspicion is that Boettcher is not distinguishing between attempts to arrange a basic institutional structure via religiously-based coercion and attempts to arrange that structure around increased liberty secured by defeater reasons. It *would* be objectionable to shape important institutional structure via coercion based on religious reasons alone. But it is much harder to see why using religious reasons to carve out legal protections is similarly objectionable. Allow me to stress once more that convergence only allows for the latter form of institutional shaping, not the former. So without more explanation of the problem with allowing religion to shape institutional structures, we have little reason to doubt that convergence treats others respectfully.

The liberty-based argument for convergence, then, survives Boettcher's criticism.

## 2 Convergence, Coercion and Incompleteness

Boettcher next tries to show that convergence is excessively hostile to state coercion due to the fact that convergence theorists adopt a presumption against state coercion, such that in the absence of a public justification, the convergence view defaults to imposing no law.<sup>6</sup> I think this characterization is misleading, as Rawls's own model explicitly adopted a presumption against coercion (Rawls 2005, 68, 217; Rawls 2001, 44). So a presumption against coercion is part of the most prominent consensus public reason model. Nonetheless, Boettcher rightly recognizes that convergence makes it more difficult to justify coercion in many cases. He is also right that convergence liberals tend to embrace this implication by embracing classical

<sup>5</sup> One might worry that setting the boundaries of a right held by all by appealing to the private reasons of *a particular group* is odd. Why should John have a right merely because Reba's doctrine demands it? The reason, briefly, is that on convergence private reasons set a *minimum extent* of a right that, then, by publicly justified principles of equal treatment, are extended to others. If Reba's reason to reject coercion is sound according to the convergence standard, then she may not be coerced in that way. And by a principle of equal treatment, John has the same right. There may be exceptions to this generalization, however, such as the case of religious exemptions. I discuss these cases in detail in "The Moral Basis of Religious Exemptions," forthcoming.

<sup>6</sup> Note here that in responding to both Boettcher's critiques of convergence and his critique of the presumption against coercion generally associated with convergence, we have effectively replied to his critiques of asymmetry.

liberalism and appealing to democratic decision procedures to select among an eligible set of potentially publicly justified proposals.

Boettcher objects that the notion of coercion in convergence models (and other models) is ambiguous.<sup>7</sup> He asks us to consider Jeffrey Reiman's idea of "structural coercion" (Reiman 2012).<sup>8</sup> A practice is structurally coercive under three conditions:

- (i) The practice constrains a person's choices beyond the limits of nature or morality;
- (ii) The available choices fall within a narrow array of structurally determined situations or choice-types; and,
- (iii) Given the existence of the practice, the alternatives to the available choices are either unacceptable or prohibitively costly.

If structural coercion is part of the notion of coercion at the heart of public reason views, then "there may be no way to avoid a substantial degree of coercion with respect to certain policy choices." For instance, most property schemes will involve a significant amount of coercion, including cases of state inaction or nonintervention. If Reiman's view of coercion is reasonable, Boettcher argues, a reasonable member of the public could object to state inaction on the grounds that the structural coercion generated by relatively unregulated markets and insufficiently redistributive fiscal policy must be restricted. Accordingly, we can imagine a person, Jeff, who is "so opposed to structural coercion that he rejects *all* private property regimes that do not include significant state-managed regulation and redistribution." Jeff finds no property regime in his eligible set, which generates what Boettcher, following others, calls an incompleteness problem:

It may turn out that no property rights regime comprising a practicable and consistent set of laws and policies can be publicly justified via  $PJ_1$  even if everyone wants *some* property rights regime and ranks several such regimes as better than no regime at all (13).<sup>9</sup>

So while Jeff would accept several regimes that he regards as sub-optimal, and others would accept regimes sub-optimal from their own perspectives, there may be no acceptable sub-optimal regime they can agree on as better than nothing. The eligible set of property regimes on convergence is null, which, if true, is a potentially devastating problem. Boettcher acknowledges that a compelling refutation of Reiman's conception of coercion might be *forthcoming*, but this would require giving a positive account of coercion that would have to answer a great many important questions, such as whether some conditional offers count as coercive.

The problem with Boettcher's incompleteness objection is two-fold. First, as Gerald Gaus demonstrates, we can integrate disagreements about what actions are coercive into our model of public justification (Gaus 2011, 503–4). So long as we can formulate a socially eligible set of proposals from evaluative standards with different notions of coercion, we can generate a

<sup>7</sup> Boettcher also raises the question of why convergence views take coercion to stand in need of justification. "What is wrong with state coercion such that it stands in need of a special kind of justification?" Boettcher doesn't push this objection far, but Gaus has provided a detailed explanation that Boettcher does not address. Gaus 2011, 479–90.

<sup>8</sup> The following is Boettcher's "gloss" on Reiman. See Boettcher 2015, 12.

<sup>9</sup> Boettcher 2015, p. 191–208.  $PJ_1$  refers to one of Boettcher's preliminary statements of a public justification principle.

non-empty socially eligible set of potentially justified proposals. Boettcher may reply that, given deep disagreements about coercion, the eligible set might be empty anyway. But this reply omits how disastrous it would be if free and equal persons could not converge on property regimes that allow them to view each other's actions as part of a shared moral enterprise of living together on equal terms. If we're in a moral state of nature vis-à-vis one another with regard to the millions of actions that comprise a property regime, then we've lost the great good of moral relations with others. Such considerations are part of formulating an eligible set, even on a convergence view. Given the potential disaster, it seems implausible that people like Jeff would not be able to find some mutually acceptable regimes with other citizens.

Boettcher concedes part of this reply: "All reasonable citizens would agree to a package of basic rights that include rights to personal property and perhaps even *limited* rights of ownership over land and various forms of fixed capital" (Boettcher 2015, 15). However, he argues that Jeff could nonetheless object "to more extensive rights securing private ownership of the means of production without redistributive and regulatory policies." It would accordingly be harder to justify classical liberal property regimes with populations that have a significant number of Jeffs. But this is not an *incompleteness* problem, just a problem for people who want to argue that public reason views have classical liberal implications across a wide range of cultures.<sup>10</sup>

### 3 Contra Boettcher's Accessibility Model

The two main arguments for convergence stand, and Boettcher's incompleteness argument is not successful. But Boettcher also attempts to construct his own model of public justification that avoids the disadvantages of both consensus and convergence views. On his view, citizens should try to make political decisions "based on the public reasons provided by a more or less complete and reasonable political conception of justice" (6). Public reasons aren't limited to the reasons derived from that conception, however, but include "accessible reasons drawn from other sources, such as observation, common sense, thought experiments, and natural and social science." Political justifications should also meet certain epistemic conditions. They should be "sufficient from the first-person point of view, meaning that each citizen should identify what he or she takes to be reasons sufficient to warrant his or her recommended law or policy" (7). Thus, sufficient reasons are those that are "credible, free of obvious falsehoods, fallacies, or inferential errors." Further, citizens should be prepared to subject their justifications to other members of the public for criticisms and "should be open to revising their judgments accordingly." Justifications must be sincere, which, importantly, is consistent with having nonpublic motivations.

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<sup>10</sup> Boettcher also raises an objection in defense of convergence that "the reasons that would support or defeat a theory of public justification must meet a more demanding standard." I think the idea is that the convergence liberal could insist that Reiman's conception of coercion is just incorrect, and so we can ignore it in a theory of public justification. This objection gets into the confusing and complicated territory of how to understand the strength of argument needed to formulate a political theory vs. the strength needed to formulate an adequate political argument in a publicly justified polity. For this reason I believe that addressing the objection would take us too far afield. Since no public reason liberal has advanced this defense of convergence, there is little need to address it.

Political justifications should be “acceptable to others” in that “reasonable citizens should be able to appreciate that one’s justification is consistent with the *fundamental ideas* of political liberalism, which as reasonable, they necessarily affirm.” These include the familiar ideas of persons as free and equal and society as a fair system of cooperation, along with the fact of reasonable pluralism. Political justifications, then, need merely be consistent with “free and equal citizens pursuing fair terms of cooperation in light of reasonable pluralism and the burdens of judgment” (7). That is what it means for reasons to be reasonably acceptable. Boettcher stresses that we should not expect unanimous agreement on which justifications are acceptable, and we need not assume that citizens are fully idealized. Boettcher formulates his ideal as follows:

*Weak Public Justification:* Decision  $D$  about the basic institutional-structural matter  $L$  is weakly publicly justified in a public  $P$  if and only if  $D$  is generated by reasonably acceptable and widely accepted decision-making procedure, and  $D$ ’s success is not essentially dependent on the votes or other activity of unreasonable members  $i_u$  of  $P$ , and each reasonable member  $i_r$  of  $P$  honors requirements of public reason—or would be prepared to honor those requirements if called upon to vote or decide—in making his or her deliberative contribution to  $D$  (8).<sup>11</sup>

Boettcher says that we honor the ideal of public reason when we seek first-person political justifications as defined by *Weak Public Justification*. So we should generally refrain “from advocating or deciding matters solely on the basis of doctrinal or other nonpublic grounds.” And while the principle focuses on the activity of reasonable citizens, it is also meant to provide a criterion to assess which laws are legitimate. Boettcher stresses that his view is not purely consensus-based: “Public justification does in fact result from a convergence of different reasons” but these reasons must meet the standards of accessibility and acceptability he lays out.

I believe that the standard of *Weak Public Justification* is flawed for a number of reasons. The first is that there are problems with accessibility requirements that apply to Boettcher’s accessibility model. Elsewhere I have offered such arguments, and Boettcher attempts to rebut them. I will now counter Boettcher’s rebuttals.

In other work, I have advanced a dilemma against accessibility requirements, namely that they either permit paradigmatically private religious reasons into public justification or prove to be too restrictive (Vallier 2011; Vallier 2014, Ch. 4). As a result, accessibility requirements fail to achieve their aims of excluding private reasons. If they fail to achieve these aims, I maintain, then such requirements should be rejected. The requirements, to put it another way, needlessly complicate models of public reason and do not perform their necessary function.

To illustrate the first horn of the dilemma, I argue that reasons derived from natural theology and religious testimony count as accessible. Boettcher believes that he can block this horn of my dilemma by showing that reasons derived from natural theology are either inaccessible or cannot establish politically substantive conclusions. For instance, I argue that a theologically based argument against abortion counts as accessible, since the premises can achieve the necessary levels of epistemic justification for suitably idealized

<sup>11</sup> Importantly, Boettcher develops a previous principle, PJ<sub>3</sub>, or Strong Public Justification, as an aspirational ideal that is more restrictive, but claims that it is seldom relevant in real-world politics. Boettcher claims that the ideal will “rarely obtain in actual polities, even when citizens are generally reasonable and epistemically responsible” (Boettcher 2015, pp. 191–208). Consequently, I will leave it aside.

people to evaluate them. I claim that one could affirm the following argument as accessible:

- (1) The existence of God can be rationally demonstrated.
- (2) God gives each human body a soul that provides a human life with intrinsic worth.
- (3) The least arbitrary candidate for the union of soul and body is the first presence of a unique biological potentiality, i.e., conception.
- (4) Thus, persons with intrinsic moral worth exist at conception.
- (5) Persons must not be destroyed.
- (6) Fetuses must not be destroyed (Vallier 2014, 114).

As I stress, the argument need not be formally valid to count as accessible; it could be rendered valid with some simple alterations. Further, the premises need not be ones that members of the idealized public will accept, but rather ones that they can evaluate according to common evaluative standards.

In response, Boettcher claims that premises (2) and (3) are insufficiently supported. All I provide are,

*...ad populum* appeals to what many people happen to believe. That many people subscribe to a belief does not mean that it can be meaningfully evaluated independently of comprehensive doctrines and in terms of reliable perception and observation, rules of inference, common sense, basic scientific and moral reasoning, historical evidence or shared democratic values (Boettcher 2015, 9–10).

Or to put it more briefly, “many claims will be difficult to appreciate as *justifying reasons* insofar as they are evaluated only from such a common standpoint” (10). Boettcher’s argument seems to be that I have failed to demonstrate that members of the public can see premises (2) and (3) as justified according to common evaluative standards.

But Boettcher is mistaken to think that my claim rests on *ad populum* appeals. Instead, what I argue is that, given the enormous subset of people likely to affirm the beliefs relevant to evaluating the premises, there is surely “some subset of these individuals [that] have epistemic justification for believing that God exists, creates souls and somehow attaches them to human bodies.” In fact, I explicitly say that “my claim is not that all widely held beliefs qualify as accessible, but rather that some citizens can justifiably accept these views about God and the soul” (Vallier 2014, 114). To buttress this point, I cite a number of prominent philosophical defenses of these views in question, showing that the reasoning involved in supporting the premises can reach *very* high levels of sophistication, far in excess of what is required for a view to count as epistemically justified according to common evaluative standards. Think about it: the standard for accessibility cannot be *so* high that the reasoning of philosophers like Thomas Aquinas is excluded. Such a high standard would rule an incredible number of arguments out of the bounds of public reason. This is not a form of accessibility worth endorsing.

But perhaps the problem with appealing to the religious reasons I cite is that the normative force of these reasons cannot be justified independently of the comprehensive doctrines from which they derive.<sup>12</sup> That is, no matter how sophisticated the arguments’ apologists are, the arguments are not accessible since members of the public cannot regard them as justified

<sup>12</sup> I think an anonymous referee for raising this objection.

according to common evaluative standards. I think this response trades on an ambiguity about whether the reasons can be justified *for those who offer them* according to common evaluative standards or whether these reasons can be justified *for all reasonable members of the public*. It is surely true that the reasons cannot be justified to all reasonable members of the public. But that is not a problem for my defense, as the accessibility requirement permits reasons into public discourse, so long as members of the public can see them as justified *for those who offer them* according to common evaluative standards. It is the *shareability* requirement that requires that reasons be justified to all reasonable members of the public, and it is not, at present, at issue.

Boettcher next objects to my strategic point that a justificatory reasons requirement typically has an aim of excluding reasons, and that if it fails to exclude what it was meant to exclude, that it is an inadequate requirement. Boettcher writes,

...the purpose of a conception of public justification is not simply to impose constraints on religious reasoning or discourse, as if that objective were to carry some sort of independent value. The requirement of restraint is instead an implication of the underlying norm of respect for persons that sustains practices of public justification (10).

I argue elsewhere that it is not the *only* goal of a justificatory reasons requirement to exclude reasons (Vallier 2014, 104). Rather, a reason requirement also attempts to exclude reasons that seem hard to offer in a respectful fashion in political dialogue. Reasons requirements aim at articulating a particular conception of respect. So I do not disagree with Boettcher's general point that exclusion has no independent value. The idea is instead that accessibility requirements aim to exclude reasons in virtue of articulating an ideal of respect, such that if they fail to exclude very many reasons, they have no point. If accessibility is such a loose requirement, we should just go with convergence.

Given that *Weak Public Justification* is an accessibility requirement, my argument against accessibility is an argument against *Weak Public Justification*: if we insist on significant idealization, it is too strict and demanding, or it allows familiar, sectarian religious reasons to count as accessible. Note that *Weak Public Justification* does not explicitly include an accessibility requirement. Instead, it mandates that citizens honor the requirements of public reason or "be prepared to honor these requirements if called upon to vote or decide" in contributing to a political decision. The other conditions Boettcher mentions—that the decision be generated by an acceptable decision procedure and that its success not depend on the votes or activity of unreasonable members of the public—are immaterial to whether an accessibility requirement is appropriate. If reasonableness does not by itself entail an accessibility requirement (and Boettcher has offered no argument that it does, nor need he), then *Weak Public Justification* allows people to honor the requirements of public reason by appealing to accessible reasons. But if some religious reasons are accessible reasons, then *Weak Public Justification* resembles a convergence view. If Boettcher tightens up the level of idealization in response, then he will rule out too much.

Notice also that the arguments for the superiority of convergence over consensus favor asymmetric convergence over Boettcher's accessibility requirement. The problem with *Weak Public Justification* is not that it is particularly poor expression of the values of individual liberty and integrity, but rather that convergence is a *better* expression. Convergence imposes fewer restrictions on individual citizens and does not attempt to exclude inaccessible reasons. So all else equal, the convergence view is superior to *Weak Public Justification* with respect to liberty and integrity. Boettcher might retort that accessibility excludes few justificatory

reasons, and so it is no more restrictive of liberty than convergence. But then it appears that *Weak Public Justification* has turned into a convergence requirement in effect, if not in principle.<sup>13</sup>

Another argument for convergence is that it better respects diversity and reasonable pluralism among members of the public because it places fewer restrictions on the use of diverse reasons. Insofar as *Weak Public Justification* restricts such reasons, it is inferior to convergence. And insofar as it isn't restrictive, then, again, it is tantamount to a convergence view. Boettcher intends his view to be restrictive, as he says that a public justification principle should be "a constraint on the reasons for decisions about arranging the basic institutional structure rather than a constraint on state action as such." Again, he advocates restricting reasons for decisions more than the convergence model, so with respect to respect for individual freedom and reasonable pluralism, Boettcher's model is inferior to the convergence view.

#### 4 Convergence and Distributive Justice

Boettcher has argued that asymmetric convergence views assume a presumption against coercion that leads to devastating incompleteness. So what is Boettcher's alternative? The presumption against coercion he adopts "presupposes neither the intrinsic wrongness of coercion nor a default of state inaction with respect to constitutional essentials and matters of basic justice" (16). The reason for this is that any arrangement that promotes "ongoing and productive social cooperation under historical conditions of modernization and liberalization" requires a great deal of coercion in order for people to "make effective use of rights, liberties, and opportunities." We cannot, therefore, regard coercion as even a *prima facie* bad, for it leads to enormous goods in many cases.

But the asymmetric convergence view does not, *on its own*, take a stand on whether coercion is a *prima facie* bad. That is, asymmetric convergence is not defined even in part by a normative presumption against coercion, even if convergence is often paired with the presumption.<sup>14</sup> The specification of the presumption against coercion and the asymmetric convergence account of justificatory reasons are separate matters. We can mix and match. So while Boettcher may be right that the presumption against coercion typically associated with convergence views does not take coercion into account in the right way, that is no mark against convergence, just against the particular presumption against coercion it is commonly associated with.

Another of Boettcher's concerns about convergence is that the default of inaction undermines measures to provide citizens with all-purpose means to make effective use of their rights, liberties and opportunities. In contrast, Boettcher's own principles are "quite responsive to the distributive inequalities that motivate the idea of structural coercion." Even if the idea of structural coercion is confused, "a theory of public justification that prizes individual freedom should still take seriously the long-standing concern that, for many of the working poor and other marginalized persons, formally guaranteed rights and liberties do not provide nearly enough genuine options to facilitate a life autonomously

<sup>13</sup> Though *Weak Public Justification* does seem to permit coercion in the case of an inconclusive balance of justificatory reasons, as opposed to some convergence views, which often require a conclusive justification.

<sup>14</sup> See Vallier 2014, p. 24.

led.” (16) Boettcher does not argue that convergence views cannot meet these conditions, nor does he argue that his own views satisfy these conditions. Rather, he takes it as plain that his principles do a better job.

Without an argument, I see no reason to think that convergence will perform any worse than Boettcher's view, as it allows the reasons of the marginalized and poor to affect the public justification of coercion and defeat any number of laws that oppress them and set back their interests. But let's grant that Boettcher's conception of public justification does a better job of guaranteeing his preferred conception of distributive justice. I think that is a *demerit* of his view, not because I reject his conception of distributive justice, but because a conception of public justification should not be biased in favor of a particular conception of distributive justice. Boettcher thinks it is an advantage of his view that it generates egalitarian outcomes, but shouldn't we prefer a conception of public justification that is more sensitive to the reasonable diversity of views of distributive justice present among a diverse public? It seems so to me. So even if convergence doesn't guarantee that a Rawlsian conception of distributive justice is publicly justified, *that is to its credit* in a society riven by reasonable justice pluralism like our own.

## 5 What's At Stake Revisited

I have defended the asymmetric convergence conception of public justification against Boettcher's criticisms, and I have criticized his account of *Weak Public Justification*, with its implicit accessibility requirement. Boettcher's arguments against convergence are unsuccessful, so convergence remains the superior conception of public justification with respect to the protection of individual liberty and the recognition of deep reasonable diversity among members of the public. Convergence does not suffer from an incompleteness problem with respect to its conception of a presumption against coercion. Finally, the arguments I have offered against the accessibility requirement survive Boettcher's criticisms.

A great deal hangs on these differences. Again, as the plurality view among theories of legitimacy, public reason views are among the most promising attempts to answer some of political philosophy's enduring questions. The finer points of the debate determine how we should think about the role of religion in politics, the structure of distributive justice in legitimate polities and core questions of institutional design. Boettcher's view resembles the Rawlsian mainline, which excludes religious reasons from many forms of public discourse, tilts public reason towards substantive egalitarian conceptions of distributive justice, and buttresses a deliberative democratic approach to institutional design. The convergence view, in contrast, is permissive with respect to the role of religion in public life, *may* tilt classically liberal and offers a less deliberation-centric conception of politics.

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