Against Justificatory Liberalism’s Accessibility Requirement

Justificatory Liberalism combines the traditional liberal commitment to individual liberty with a requirement to justify coercive laws or proposals to those affected in terms they can reasonably be expected to accept.\(^i\) Justificatory liberalism is often called *public reason* liberalism because it holds that only *public* reasons can justify coercion. Thus, to justify coercion, according to justificatory liberalism, is to engage in *public justification*. Justificatory liberalism is perhaps the dominant brand of liberal political theory today, claiming among its adherents John Rawls, Jurgen Habermas, Charles Larmore, Thomas Scanlon, Gerald Gaus, Stephen Macedo, and many others.

Justificatory liberalism’s critics often argue that it is hostile to religious contributions to politics and thereby unfair to citizens of faith.\(^ii\) This concern is usually generated by the epistemic restraints justificatory liberals place on what reasons may be used to justify coercion. For instance, nearly all justificatory liberals hold that one cannot justify coercing others based on religious reasons.\(^iv\) This is not due to an explicit secularist commitment of justificatory liberals, but because religious reasons are thought to lack a crucial epistemic property. Names for this property abound, but I shall refer to it as *accessibility*. Characterizing accessibility is difficult. In this paper, I attempt to articulate a standard broad enough to capture the concept but specific enough to be useful.\(^v\)

Justificatory liberals frequently maintain that secular reasons, or reasons that make no appeal to the supernatural, are the only accessible reasons. Secular reasons are supposedly generated by epistemic practices that all reasonable persons regard as legitimate, such as the scientific method, common sense or ordinary testimony. Religious reasons, on the other hand, are generated by epistemic practices that many reasonable people reject, like mystical perception. Because justificatory
liberals reject reliance on religious reasons in politics, they raise the ire of their faith-friendly critics. I argue that justificatory liberalism’s critics reject justificatory liberalism unnecessarily; justificatory liberalism can allow the use of religious reasons in the public square. It is the accessibility requirement that bars the use of religious reasons, not justificatory liberalism itself. In this essay, I argue against the accessibility requirement. I believe that without it, justificatory liberals can answer their faith-friendly critics.

My argument, briefly, is that either the accessibility requirement is so loose that it is trivial, or so restrictive that it is implausible. I defend the thesis by showing that plausible versions of the accessibility requirement allow appeal to practically any reason, including many controversial religious reasons. I specifically argue that the most plausible interpretations of the accessibility requirement count reasons deriving from natural theology and religious testimony as accessible. I then argue that reformulating the accessibility requirement to exclude these reasons makes the requirement implausibly restrictive. If the accessibility requirement cannot exclude the paradigmatic private reasons – religious reasons – then it becomes unmotivated. It should therefore be rejected.

My argument resembles an argument of Christopher Eberle’s in Religious Conviction in Liberal Politics where he generates a similar dilemma against accessibility requirements. Eberle claims that mystical experiences can provide reasons that meet the accessibility requirement, however construed. So why repeat the argument? Eberle’s criticism of justificatory liberalism relies on Reformed epistemology. Reformed epistemologists believe that mystical experiences provide reasons to believe in supernatural beings, their presence and even their testimony. Justificatory liberals will tend to resist this view. Eberle’s argument is thereby weakened because it presupposes that mystical experiences provide sound reasons for belief in the supernatural. A critic could claim
that Eberle's argument can be reformulated for less tendentious epistemological positions, but this has yet to be shown. Consequently, many will not find his argument appealing. To avoid this problem, I discuss forms of religious reasoning whose soundness relies on fewer substantive epistemic commitments.

The project of the paper is worth taking seriously for another reason. As mentioned above, faith-friendly philosophers often find mainstream liberal political theory objectionable because it treats religious reasons as “second-class” or somehow inferior to accessible reasons. If religious reasons can satisfy the accessibility requirement, reconciliation between justificatory liberals and their religion-friendly liberal critics is possible. This essay should therefore be of interest to those concerned with the nature of the public reason project and those concerned with the conflict between liberal political theory and religious contributions to politics.

I proceed in six parts. In Section I, I articulate and analyze the accessibility requirement. I lay out the relevant philosophical background for my main arguments in Section II. In Section III, I show that reasons deriving from natural theology can meet the requirement, and in Section IV, I show that reasons deriving from religious testimony can also. In Section V, I suggest reformulations of the accessibility requirement that will exclude religious reasons, but I show that these reformulations make the accessibility requirement implausible for other reasons. Section VI concludes.

Section I: Analyzing the Accessibility Requirement

Let us begin this section by giving a formal characterization of the Accessibility Requirement:

The Accessibility Requirement: A’s reason X can justify coercing members of the public only if X is accessible to them.
To fully grasp the meaning of the accessibility requirement, we must give a definition of accessibility. Typically, the idea of accessibility is understood as accessibility to the public, or to all citizens. We can define accessibility as follows:

Accessibility: A’s reason X is accessible to the public if and only if members of the public (at the right level of idealization) can see that X is justified according to common evaluative standards.

A standard example of this view is given by Thomas Nagel, who argues that to engage in the process of public justification you must “present to others the basis of your own beliefs, so that once you have done so, they have what you have, and can arrive at a judgment on the same basis.” The literature is rarely clear on the definition of the accessibility requirement; it contains at least eight conceptions of accessibility. But the definition I have given captures the essence of the idea. Before moving forward, however, three terms in the definition of accessibility require further explanation.

First, I use the term “justified,” an epistemic term that is often taken to be straightforward, but is rife with complexities. For our purposes, let us define justification as follows: a belief is justified when it is permissibly affirmed. Someone who justifiably believes P makes no normative error by believing P. Theories of justification abound, so I will leave the definition of accessibility open to various theories of epistemic justification. It is important to emphasize that accessibility requires public reasoners to assign the reasoning of others positive epistemic status. Often definitions of accessibility only require that public reasoners be able to understand the reasoning that another is using, no matter how faulty. But this standard is remarkably low, since even the most absurd arguments can be understood. The definition of the accessibility requirement, therefore, must involve the assignment of some small degree of epistemic justification to the public reasoning of citizens.
I next use the phrase “common evaluative standards.” An evaluative standard is a combination of a normative standard that specifies what should be believed and what should be desired. Thus, take “evaluative standard” to be whatever normative standard can be used to evaluate the contents of one’s subjective motivational set and all the rationales and reasons within.\textsuperscript{xiii} I also use the phrase “common” evaluative standards; by “common,” I mean that the evaluative standards are broadly shared and enjoy wide intersubjective recognition.

Finally, the definition of accessibility mentions “idealization.” Idealization in justificatory liberalism involves modifying the components of some citizen’s subjective motivational set.\textsuperscript{xiv} Some forms of idealization upgrade a citizen’s level of accurate information; others upgrade her rational capacities. Still others attempt to render her subjective motivational set more coherent, and nearly all attempt each of the three upgrades.\textsuperscript{xv} Since justificatory liberals dispute the right degree and the right dimensions of idealization, I leave it unspecified in the definition of accessibility.

Idealization determines which reasons are accessible. When Citizen A offers a rationale, we must see whether Citizen B is able to access the reason given a certain idealization-value. While rarely stated explicitly, conceptions of idealization within justificatory liberalism often possess four dimensions: reasonableness, rationality, coherence and information. We do not have the occasion to analyze the concept of the reasonable here, which is perhaps the most vexed concept within justificatory liberalism.\textsuperscript{xvi} For now, we focus on the other three dimensions. First, idealization requires a specification of an agent’s rational capacities. One might require that an agent be fully rational, where she has maximal rational capacities. Or she might require that an agent have only the capacity for rationality that humans ordinarily exercise. She might even require something in between. The information metric specifies how much and what kind of information we give an agent
that she does not have in her actual state. The coherence dimension specifies the degree to which we wipe out contradictions within a citizen’s subjective motivational set. For now, however, we must collapse these three dimensions into a single dimension. This dimension of idealization ranges from *populist* idealization-values to *radical* idealization-values. Populist idealization-values are ones where idealization metrics are left at their actual values, whereas radical idealization-values push the metrics to their maxima. The range of valid idealization-values runs therefore as follows:

<table>
<thead>
<tr>
<th>Populist</th>
<th>Radical</th>
</tr>
</thead>
</table>

If this representation of idealization is accurate, the distinction between populist and radical idealization is non-discrete; accordingly, there will be innumerable specifications of accessibility. In the next section, I will argue that accessing reasons deriving from natural theology and religious testimony require relatively little cognitive equipment, such that these reasons will count as accessible across a large range of idealization-values. This is a simplification, but one cannot reasonably hope for more.

It may initially appear that increasing the degree of idealization would only *add* to the number of reasons that are accessible, but further idealized agents may not be able to access all the reasons that their less idealized counterparts can. In other words, they may not be able to see some reasons as justified at their level of idealization. Thus, increasing the degree of idealization does not *mutatis mutandis* increase the set of accessible reasons. Nonetheless, if I can make a general case for the accessibility of religious reasons, such reasons will be accessible on enough reasonable
specifications of idealization—values to successfully defend my thesis. Arguments from natural theology and religious testimony are similar to their secular equivalents; as a result, there is no more ground for labeling some religious reasons inaccessible than many obviously acceptable secular reasons.

A final feature of the accessibility requirement must be stressed. The accessibility requirement is only a necessary condition that restricts which reasons count as public. Thus, showing that a reason is accessible is not sufficient to show that it can publicly justify coercion. Let me clarify this point with an important distinction. Within justificatory liberal political theory, a public justification in fact takes place in two stages. First, reasons enter into the “justificatory pool”\(^{xvii}\), that is, they come under public consideration after being advanced by a member of the public. However, reasons in the justificatory pool must be reviewed by the public before they can be judged legitimate bases of policy and law. Let us define a “principle of exclusion” as a principle that prevents reasons from entering the justificatory pool. The accessibility requirement is a principle of exclusion: it bars inaccessible reasons from entering the justificatory pool. Since accessibility is a principle of exclusion it does not specify a sufficient condition for coercion; thus, even if we show that religious reasons are accessible, we will not thereby show that they are legitimate bases of law and policy.\(^{xviii}\)

Section II: Some Background

In order to proceed, I must specify what a religious commitment is and why justificatory liberals often see religious reasons as private reasons.\(^{xxi}\) I will also motivate the accessibility requirement and briefly overview why many philosophers object to it.

I define a religious commitment as any affirmation of a proposition concerning the supernatural or the activities, wishes, intentions, commands, etc. of some agent or agents beyond the
I exclude reference to abstract objects or external reasons. Specifically, religious commitments are those that appeal to supernatural agents, supernatural events, and testimony about those agents, events or experience of either. Examples of religious commitments include belief in God, or many gods, or a belief that God has revealed, say, that polygamy or racism is wrong. Further, religious reasons are those that are motivated by religious commitments.

Justificatory liberals see religious reasons as private reasons because they do not believe that religious reasons are accessible. The reason that accessibility matters is that justificatory liberals consider it disrespectful to offer individuals reasons in public political dialogue that they cannot access in order to judge for themselves. If the point of reasoning publicly is to come to a common decision amongst reasonable people about political issues, then offering private, non-accessible reasons cannot advance this cause. Instead, such reasons will only be offered to advance one’s private, sectarian interests and will therefore be disrespectful. Arguments based on private reasons will boil down to demands that some comply with the private reasons of others.

Arguments for accessibility are rarely developed. A common argument holds that giving others accessible reasons expresses respect for the reasoning of others and displays an attempt to reason from their standpoint. If we care about respecting others, we will offer them reasons that they can comprehend, that can appeal to them, or that they can at least assess and endorse or reject. When someone offers religious reasons on behalf of her favored policies, she appears to be uninterested in respecting those who do not share her reasons. Christopher Eberle finds that most arguments for accessibility involve the claim that we are supposed to restrain ourselves from using religious reasons out of a sense of reciprocity. As Nagel says, we are supposed to offer arguments where others can
come to a conclusion about them on the same basis as we have. But we do not share our religions views, so we cannot do this with religious reasons.

Again, faith-friendly critics of justificatory liberalism reject the accessibility requirement's restriction on religious reasons. Michael Perry, Kent Greenawalt, Christopher Eberle and many others have expressed skepticism about restrictions on the reliance upon religious reasons. Philip Quinn argues that the principles of restraint propsed by justificatory liberals exclude religious persons from public debate. Nicholas Wolterstorff maintains that justificatory liberalism forces citizens who desire a religiously integrated existence to live a kind of double life, and thereby discriminates against the religious person. Kent Greenawalt contends that justificatory liberalism expresses a basic inequity of reasons because it privileges secular over religious reasoning. The faith-friendly critics are liberals, but they believe that justificatory liberalism places unfair and excessive burdens on persons of faith. By excluding religious reasons from the process of public justification, these critics argue, justificatory liberals do not treat persons of faith as equals and require them to split their identities.

The critics have a point. Justificatory liberalism seems biased against secular reasoning. But justificatory liberalism is not committed to this bias per se; instead, the bias is motivated by the accessibility requirement. By jettisoning the accessibility, the complaints of these liberals can be satisfied. Justificatory liberalism sans accessibility, therefore, will avoid the criticisms made against standard versions of justificatory liberalism. With the background laid, let us proceed to the challenge of natural theology.

Section III: The Challenge of Natural Theology
Natural theology is the attempt to discern evidence for the existence or activity of the supernatural through natural reason. Branches of natural theology pursue a priori argumentation for the existence of God or defenses of theological claims concerning the nature of God or God’s will. Some strands of natural theology argue about whether one can have good reason to believe that God has revealed anything to her or what relation God bears to the human soul.

In short, natural theologians claim that facts about the supernatural can be demonstrated through an appeal to natural reason. As a result, arguments from natural theology may pose a challenge to justificatory liberalism’s exclusion of religious reasons. Natural theologians claim to be able to compete in the realm of pure reason; Robert Audi’s recent work on natural reason suggests that the reasoning of natural theologians is evidentially on par with secular reasoning, so long as it is interpreted epistemically. Natural theologians like Thomas Aquinas make some theological arguments that can be evaluated, accepted or rejected on rational grounds alone, i.e. with no appeal to revelation. Given that natural theology is usually devoted to demonstrating the existence of God as conceived by traditional Judeo-Christian theism, it may have important political ramifications. Audi worries if natural reason is taken to be capable of establishing theism, “then the way is open to hold that governmental establishment of at least a generic theism is justifiable independently of any particular religion.” If one has good reason to believe God exists, then she may think that she can discern God’s will and conform her behavior – and potentially the behavior of others – to that will.

Consider a traditional Catholic argument against abortion: Catholic theologians often claim that there is reason to suppose that God provides a fetus with a soul at conception. Presence of the soul creates personhood in the fetus. Hence, the fetus is a person and must not to be killed. Suppose,
then, that a traditional Catholic wishes to defend her vote against permitting abortions. Her argument might go as follows:

1) The existence of God can be rationally demonstrated. xxxiv

2) There is reason to suppose that God gives each human body a soul that can survive death and provides a human life with intrinsic worth. xxxv

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 exist at conception and have their intrinsic moral worth at conception.

5) All persons, therefore, fetuses included, must not be destroyed.

This argument is based on inferences that purport to require no appeal to revelation. Let us consider whether such an argument can satisfy the accessibility requirement.

The above argument is not valid. Instead, it represents the reasoning of an ordinary, but reasonably well-informed, citizen. The reader can see links between the ideas, even if they are not deductive ones. Nonetheless, we can assess the argument’s epistemic credentials. To begin, ask yourself whether a reasonable person could justifiably believe the above argument based on common evaluative standards, despite the fact that the argument may be mistaken. I submit that the answer is yes. This should be illustrative. If the defenses of the premises are straightforward and based on good reasoning, then properly idealized members of liberal societies will be able to access the argument. Thus, religious reasons will satisfy the accessibility requirement at most levels of idealization. But, again, bear in mind that these reasons will not necessarily be able to publicly justify coercion.

Consider the first premise: the existence of God can be rationally demonstrated. This is an ordinary claim. Many affirm it, many deny it, and the rest have no settled view. But most reasonable
persons acknowledge that positive arguments for the position that cannot be immediately dismissed.

There are many ordinary arguments for God’s existence, even if they ultimately fail. For instance, versions of the cosmological and teleological arguments are widespread, even in conversation about religious matters with ordinary citizens. Both arguments are routinely analyzed and evaluated by people with distinct views (some of whom are excellent analytic philosophers). If those involved in the discussion acknowledge that reasonable people can disagree with them, then they should regard as justified the beliefs of those who accept the arguments.

Consider the second premise: God provides human bodies with souls that give them intrinsic moral worth. Billions of humans believe in God and many more believe in at least one god; furthermore, some psychological evidence suggests that theistic belief comes naturally to us. The vast majority of humans also believe in some kind of soul. Scores of reasonable humans will then believe that God exists, creates souls, and somehow attaches them to human bodies. These views may be false, and they may not be well-supported by the most expansive and clear-headed understanding of the evidence, but neither truth nor exhaustive reasoning are the appropriate standard. Instead, justificatory liberals seek a degree of epistemic justification appropriate to ordinary political argument. Consequently, such views need not fail to have some positive epistemic status.

The third premise holds that God probably attaches souls to bodies at conception, and the arguments for this are complex. But many pro-life theorists have defended conception as the least arbitrary point for God to attach souls to bodies. It is not hard to see that this is one reasonable view, even if there are others. At the moment of conception a unity is created and has a certain biological potentiality. The ensoulment point may occur elsewhere in development, but conception is not an unreasonable starting point. The fourth premise only relies on the view that persons have dignity and
are inviolable, a common view. Many believe that possessing a soul is essential to personhood, and so the presence of a soul entails the presence of a person. If fetuses are persons, then it is easy to see why they should not be killed.xxxviii

Most unidealized non-religious citizens can access this argument. Again, they might reject it, but they certainly can evaluate the argument and come to see it as justified for others. Granted, the rationale is bound to be controversial. But a rationale is not disqualified merely because it is contentious. What matters is that each premise in the argument can be evaluated and assigned positive epistemic status. So: is the argument we have discussed accessible at the right idealization-value to reasonable persons? The answer seems to be yes; the defenses of the premises appear indistinguishable from secular arguments in terms of their epistemic status. Consequently, the natural theological argument against abortion fails to meet the accessibility requirement on many reasonable interpretations. Changing the idealization-value will not render the argument inaccessible; the argument is too simple. I conclude that the argument above satisfies the accessibility requirement, despite its religious content.

To this point, I have only shown that one natural theological argument satisfies the relevant interpretations of the accessibility requirement. In response, I now expand the point to other natural theological arguments. Many argue against the moral permissibility of suicide on natural theological grounds.xxxix A typical argument may see God as the sole moral authority over life and death, and conclude that suicide is impermissible. This argument is no less controversial than the argument against abortion, but its premises can presumably achieve the same level of epistemic status. Both arguments may be inconclusive. But most arguments advanced in the public square are inconclusive.xl We cannot rule out candidates for public justification on such grounds.xli Notably, Robert Audi has
recently endorsed the view that one can embrace natural rights on mere natural theological grounds, although he denies that natural theology can legitimately reach moral conclusions at variance with purely secular modes of moral reasoning.

However, Audi raises an important objection to using natural reason or natural theology to establish substantive moral and political conclusions. He argues that “the best theistic arguments from natural theology conclude with the proposition that God exists, not with any specific moral or political directives.” Audi entertains the idea that natural reason can reveal unique normative truths by indicating the “divine will for us.” One method of using natural reason in this way is to employ natural law theory. But Audi maintains that natural law theory is no different from “other cognitive sources of moral knowledge, such as those appealed to by Kantians and Aristotelians” and maintains that “any reliable route to moral truth is in effect a possible route to knowledge of God’s wishes for us ....” However, Audi’s arguments are rooted in his controversial notion of “theo-ethical equilibrium” which holds that a good God would give persons secular routes to moral knowledge. This view has come under powerful criticism in recent years and as such cannot be so easily deployed to establish the substantial conclusion that natural theology cannot establish any robust moral and political conclusions. From the argument above, it seems that natural theological arguments not only satisfy the accessibility requirement but can also be used to establish substantive moral and political principles if we only require of citizens a standard of rationality and information appropriate for public discourse.

Reviewing other natural theological arguments is unnecessary. From the foregoing we can soundly infer that some natural theological reasons satisfy the accessibility requirement. Let us move to the challenge of religious testimony.
IV. The Challenge of Religious Testimony

I define religious testimony as any statement or utterance concerning the action of or communication with supernatural agents. Sacred texts that record testimonies count as religious testimony, along with testimony by authorities who purport to have contact with divine beings. Examples of religious testimony include, among others, the ex cathedra infallible pronouncements of the Papacy and Muhammad’s link with the archangel Gabriel. The Torah and the Bible count too.

Consider Teresa. Teresa is a Christian who deems homosexual practices morally impermissible. Suppose that the basis of this belief is her reading of Romans, Chapter 1. In the passage, the Apostle Paul testifies that the reason God destroyed Sodom and Gomorrah was due in part to homosexual behavior practiced and tolerated there. As a result Teresa argues like so:

(i) The Bible is the central communication of God to humanity.

(ii) The Bible is therefore infallible.

(iii) The Bible teaches that homosexual practices are morally impermissible.

(iv) Therefore, homosexual practices are morally impermissible.

Due to this argument, Teresa decides to support a ban on homosexual marriage and votes against the repeal of sodomy laws in her state. Does Teresa thereby rely on a religious rationale that fails to meet the accessibility requirement?

Teresa does not appear to be in the same epistemic situation as a citizen employing reasons of natural theology. The first premise does not have as long a history of philosophical argument on its behalf. However, it would be a mistake to say that it has never been rationally defended. A variety of philosophers and theologians throughout history have rationally defended it, relying on the testimony of the Bible. But nonetheless, many will view premise (i) as a paradigm violation of the
accessibility requirement. All non-Christian citizens will reject the proposition and many might regard it as unreasonable. It also appears that the standard reasons for believing premise (i) are ones that are not accessible to those who reasonably disagree. Sometimes people believe the proposition for no reason at all, or merely through testimony.

But premise (i) can satisfy the accessibility requirement at the proper idealization value in two ways. First, premise (i) can be attached to reasons of natural theology. Teresa's fellow citizens might find her rationale for premise (i) accessible because she could situate it within an argument for God's existence and a further argument that the Bible is reliable testimony of God's will. Many reasonable persons have defended arguments for God's existence. Further, philosophers of religion often defend the view that God's existence entails His goodness. Many theologians and philosophers across history have argued that a good God would communicate with and aid His creatures. These arguments are often accompanied by arguments that the best candidate for revelation is the Bible. All of these arguments proceed by deductive and inductive inferences, and the chains of reasoning contained these works are not clearly unjustified. Since premise (iii) is a claim about the Bible, although a disputed one, it appears accessible as well. Evidence for this includes the fact that many non-Christians have engaged in the dispute. Therefore, even many non-Christians can evaluate the reasons offered in favor of one position or another and assign the argument positive epistemic status. Premise (iv) flows naturally from premises (ii) and (iii). If God exists, is good, has revealed His will to us in the Bible and the Bible says that homosexuality is wrong, then homosexuality is wrong. A real, good, honest God who tells us that homosexuality is wrong would presumably know whether it was wrong and tell us the truth about it. The argument is not deductive as it stands, but it meets the justificatory standard required to be permissible in public justification.
Reasons derived from religious testimony, like those in premise (i), are also accessible because they are analogous with reasons derived from moral testimony, which are clearly accessible. Justificatory liberals have usually raised fewer objections to relying on moral convictions than on religious convictions. But I shall argue that moral testimony and religious testimony are epistemically symmetrical. To begin, bear in mind that moral reasoning relies often on testimony from others – from our families, communities, teachers, parents, respected authorities and books. Our moral judgments rarely arise from pure reason; instead we form many moral beliefs based on the norms those around us already accept. Consider that most citizens cannot defend the moral claims they regularly rely upon, including those they rely upon in their political activities. We simply accept the moral judgments of others, or of authorities like parents, priests, friends, etc.

Many of our justified moral beliefs rely on moral testimony. One way to achieve such epistemic justification requires believing the claims of those we have reason to believe are reliable. We may mean different things by reliability – that testifiers are perceptive, rational, knowledgeable, cool-headed, truth-tracking, etc. Generally, reliable testifiers are those who testify based on good reasons; trusting their testimony is thereby justified. One way in which testifiers testify based on good reasons is when their testimony can be traced back to a justified judgment not dependent on testimony. Yet the judgment may not be made by the testifier in question, but perhaps someone further “upstream” in a testimonial chain. Justified belief in moral testimony can be analyzed similarly. Sarah can justifiably affirm a moral proposition if she believes the moral testimony of John, a man she reasonably believes is reliable. She may believe he is reliable because his judgment is either not justified by testimony or can be traced back to such a belief in another.
Let us accept that some moral beliefs derived from testimony are justified according to some common evaluative standards. Presumably there are some widely shared criteria on which the reliability of a moral testifier can be judged. If John the Testifier is honest, well-informed, level-headed and (at least) tacitly employing a reasonable standard of evidence, Sarah probably justifiably believes that John is reliable; consequently, the moral beliefs Sarah forms from accepting John’s testimony will be justified. A moral reason like “The moral authorities in my life think X is morally right” may seem inaccessible. If moral beliefs derived from testimony can be justified via common evaluative standards, however, then such reasons are accessible. Therefore, these reasons are accessible when the relevant testifiers are honest, well-informed, level-headed, etc. We can tentatively conclude, then, that many moral judgments derived from testimony will be accessible at the right level of idealization.

A critic might argue that testimonial beliefs are redundant at the right level of idealization because agents will already have direct access to all the information they would learn from testimony. I find this implausible. Evaluating the information communicated to an agent via testimony would be an epic undertaking. A plausible account of idealization does not employ ideal agents with god-like capacities, but ones that utilize cognitive processes similar to unidealized agents. Thus agents with limited cognitive faculties may be unable to process all the relevant information. Relying on testimony economizes on the costs of collecting information and processing it. A plausible idealization-value will therefore include testimonial beliefs, some of which may concern morality.

Another problem needs addressing. Often we consider testimonial beliefs accessible because we can check the reliability of the testifier’s source. But one might think checking reliability is difficult for moral testimony. To illustrate, if a Eugene the Reliable Scientist testifies that the
scientific consensus about question X is Y, Layman Daniel can, with adequate assistance, check the relevant literature to verify Eugene’s claim. But suppose that Layman Daniel believes that the scientific consensus about issue X is Y only because Eugene the Reliable Scientist told him so. Suppose further that Eugene is incorrect: the scientific consensus about X is in fact Z. In this case, I argue that Layman Daniel’s belief is justified, despite the fact that Eugene was mistaken. It seems that reasonable people often evaluate the epistemic credentials of testimonial beliefs without requiring that the testimony can be traced back to a source of non-testimonial justified belief. If Eugene claims that X is true, and Daniel understands him and justifiably believes that Eugene is reliable, then Daniel’s belief that X is true appears justified. Accordingly, Daniel’s belief that X appears accessible.

Now suppose that Eugene is not a scientist but rather a Kantian liberal. Suppose then that Eugene the Kantian liberal testifies to Undergraduate Daniel that all persons have a dignity, not a price. Suppose further that Daniel believes that Eugene is reliable and accepts that all persons have a dignity, not a price based solely on Eugene’s testimony. Is Daniel’s belief that all humans have a dignity, not a price justified? The answer seems to be yes, just like his belief was justified when Eugene was a scientist and Daniel a layman. It therefore appears that testimonial beliefs about morality can satisfy the accessibility requirement.

Reasons derived from religious testimony are accessible on analogy. Moral testimony is justifiably accepted if the relevant testifier is reliable. Suppose that the testifier has solid epistemic credentials because her testimony can be traced to a long and well-developed tradition of moral reasoning. Even this high standard of reliability will count many religious testifiers as reliable. For instance, the natural theological arguments discussed above can provide justified grounds on which to believe supernatural moral claims. Those who testify based on the reasoning of these natural
theologians seem reliable as a result. To illustrate, the moral beliefs of many Catholics derive from their local priests. In seminary, these priests probably studied serious Catholic philosophers, including St. Augustine, St. Anselm, and St. Thomas Aquinas, among the greatest philosophers in history. As a result, these priests may have reasonable arguments for their positions, or know someone who does, even if those arguments are flawed. In this case, the religious testimony of Catholics traces back to a reliable source, a source arguably more reliable than many sources of moral testimony.

Many will remain skeptical of the analogy, but it is unclear where it fails. Moral testifiers are frequently embedded in communities and traditions of moral reasoning and are often reliable in the sense described. Arguably then, some reasonable people can justifiably trust their testimony. This trust will produce accessible testimonial beliefs about morality. Those who accept religious testimony are in a symmetrical epistemic position. Religious testifiers are often embedded within intelligent communities and rich traditions of theological and moral reasoning; further, at least some of them are reliable in the sense described. Therefore, those who believe religious testimony can develop justified beliefs based on that testimony. As a result, they will have accessible testimonial beliefs.

Consider an illustration. A poor black man attends Dexter Avenue Baptist Church in Montgomery, Alabama in 1955; call him Claude. He hears that on December 1st, Rosa Parks refused to give up her seat on a Montgomery Bus thereby violating Alabama’s Jim Crow laws. Claude’s pastor, Dr. Martin Luther King, Jr., tells his church that they are going to boycott the Montgomery bus system until the buses are desegregated. He tells his congregation, full of poor black men, that segregation is an affront to their humanity because God created men with equal dignity. Therefore, blacks are equal to whites. As a result, segregation laws degrade black people and must be resisted, even if it means going to jail. Claude accepts King’s testimony, despite not entirely understanding
King’s reasoning. But he trusts Rev. King and justifiably so. Claude next engages in a political activity—he tries to change the Jim Crow laws. He believes, based on the testimony of Martin Luther King, Jr. that the law should be changed and he therefore continually engages in political activity to force the city of Montgomery to desegregate their buses.

Suppose that a white man, Bobby, approaches Claude and asks him why he is trying to change the law, and suppose that Claude responds, “Well, my pastor, Dr. Martin King, told me that the Bible says God created all men equal and that they shouldn’t be treated unequally; so that’s why I’m boycotting, because I believe him and I trust him.” Imagine that Bobby is a traditional justificatory liberal who then replies: “Claude, I’m sorry, but you have just given me an inaccessible reason. I’m not a Christian and I don’t much trust pastors when it comes to morality. You’re disrespecting me by asserting your authority to coercively change the law without giving me a reason that I can access.” I submit that not only is Claude not disrespecting Bobby, but that his reason is perfectly accessible to Bobby. Bobby’s reaction to Claude seems obtuse and even bizarre. Bobby has probably heard of Dr. King and if he is truly a justificatory liberal, he will regard Dr. King’s testimony as reliable from Claude’s perspective. He will find that Claude has a justified belief and will therefore have to conclude that Claude’s reasoning meets the accessibility requirement.

I have now reviewed several reasons explaining how reasons of religious testimony can satisfy the accessibility requirement. I conclude, therefore, that some reasons derived from religious testimony can satisfy the accessibility requirement. Thus, justificatory liberals cannot use the accessibility requirement to block reasons derived from religious testimony from entering into public justification.

V. Modifying the Level of Idealization
If reasons derived from natural theology or religious testimony can meet reasonable interpretations of the accessibility requirement, then the accessibility requirement is not very useful. After all, the accessibility requirement was practically crafted with religious reasons in mind. Justificatory liberals cannot exclude religious reasons simply because they are religious. Instead, they must locate an impartial property that will, in Christopher Eberle’s terms, “separate the public wheat from the private chaff.” But accessibility cannot deliver.

The justificatory liberal can save accessibility with two strategies: she can modify accessibility or the relevant level of idealization. Her goal will be to select an understanding of accessibility or conception of idealization that blocks reasons she regards as suspect, without blocking them merely because she suspects them. The search for a new understanding of accessibility seems like a dead end. While standards abound in the literature, their similarity renders them vulnerable to the same criticism. They all require that public reasons are justified according to common evaluative standards at the right level of idealization. Again, it is hard to imagine a conception of accessibility that is (a) sufficiently similar to the known conceptions of accessibility to count as a conception of accessibility and (b) sufficiently distinct to do the job the known conceptions of accessibility cannot.

The defender of accessibility must therefore develop a new conception of idealization, either more or less demanding. From the preceding argument, it appears that conceptions of idealization closer to full rationality and full information will not change much. The religious reasons in question do not require significant rational capacity or enormous amounts of information to access, evaluate or independently confirm. They only require a basic familiarity with the arguments that support them. As a result, it is not clear how additional information and rational capacity could render religious
arguments inaccessible. If my argument in Section IV is successful, any plausible conception of idealization will contain some testimonial truths, and if the argument in Section III is successful, only a small amount of rationality is needed to render natural theological arguments accessible. However, a critic might argue that more information and rational capacity will render some arguments inaccessible. For instance, philosophers sometimes (infamously) refuse to accord claims justification that any non-philosopher would. In some of these cases, philosophers are being difficult, but in others, they reach a level of understanding that shows that the claim in fact is unjustified. Consequently, a higher level of idealization might render some claims inaccessible that were not otherwise. Yet while in principle a higher level of idealization may render some claims inaccessible, we have no reason to think that it will for arguments from natural theology and religious testimony generally. Thus, it is still hard to see why arguments from natural theology and religious testimony will be seen as inaccessible at high levels of idealization within the subjective motivational sets of those who offer the arguments.

In response, justificatory liberals might opt for a less demanding conception of idealization, or a “populist” conception. Fully populist conceptions of idealization require no idealization at all and they are widely thought to possess significant problems. If justificatory liberals adopt populist idealization-values, public justification will be captive to bad information and poor reasoning. They might then adopt a “near-populist” idealization value. But the arguments we have discussed are accessible on fully populist specifications of idealization. Consider that even unidealized secular persons can see some theistic arguments as justified according to common evaluative standards. A defender of accessibility could reply that at a near-populist level of idealization many citizens would not understand natural theological arguments and therefore could not see them as justified according
to common evaluative standards. But this reply may prove too much. Certainly the details of climatology involved in forming global warming policy are much more complicated than the details of arguments rooted in religious testimony. I take it that justificatory liberals will want enough idealization to employ climatology (or reliable testimony about climatology); if so, they will have trouble excluding arguments rooted in religious testimony.

Justificatory liberals might abandon accessibility for a related standard, shareability. A rationale is shareable when the person accessing the rationale can integrate it into her own deliberative set. In short, a necessary condition on a reason being public is that it can be integrated into the subjective motivational sets of all reasonable persons. But, moving from accessibility to shareability forces too many reasons off the table. Imagine Reba is a Kantian and John is a consequentialist. If John offers Reba a rationale influenced by his consequentialism and Reba cannot share the reason given her deontological commitments, then the reason fails to be public. In this case, it appears that any reason Reba cannot see as part of her subjective motivational set fails to be public. The only public reasons are shared reasons. As a result, legitimate state coercion will be rare, far more so than most justificatory liberals would accept. If justificatory liberals adopt shareability, and they want to avoid a particularly extreme libertarian version of public reason, then they must argue that the number of shared reasons among members of liberal societies is quite large. But this is tantamount to denying reasonable pluralism, something that all justificatory liberals must accept. Justificatory liberalism is motivated by the idea that reasonable people will inevitably disagree about many of the most important questions in life; she cannot adopt a requirement on public reasons that ignores this fact. Consequently, justificatory liberals should reject shareability requirements as well.

VI. Conclusion
I argued in Sections III and IV that if the justificatory liberal adopts a plausible conception of idealization, then she has to permit appeal to religious reasons. In Section V, I argued that if the justificatory liberal tightens her conception of idealization to exclude religious reasons, then she excludes too many reasons to achieve her other theoretical goals. To put it another way: the accessibility requirement either permits the use of religious reasons of many varieties or rules out too many secular reasons to remain plausible. Thus, either the accessibility requirement is so loose that it is trivial, or so restrictive that it is implausible. I suggest, therefore, that justificatory liberals reject accessibility.

Gerald Gaus and I have argued that the accessibility requirement is probably motivated by something they call the intelligibility requirement. It is hard to see how we can reason from the standpoint of others if we cannot see their reasons as reasons. But there is a crucial ambiguity in “seeing their reasons as reasons.” Reasons for which person? The accessibility requirement is the result of interpreting “seeing their reasons as reasons” as “seeing their reasons as reasons based on common evaluative standards.” But the intelligibility requirement only requires that we see the reasons of others as reasons for them according to their own evaluative standards. I define the intelligibility requirement as follows:

The Intelligibility Requirement: A’s reason X can justify coercing members of the public only if it is intelligible to them.

Intelligibility can be understood as follows:
Intelligibility: A’s reason X is intelligible to the public if and only if members of the public (at the right level of idealization) can see that X is justified for A according to A’s evaluative standards.

Intelligibility only requires that the public be able to see that A’s reason X is justified for A according to A’s own evaluative standards not common evaluative standards. The accessibility requirement only appears plausible because it relies on these ambiguities. We can reason publicly with others by recognizing the reasons they have, even if we find ourselves unable to access them. The reasons must be intelligible as reasons for the other, and if accessibility cannot block religious reasons, then intelligibility will not either.

Justificatory liberals should drop accessibility in favor of intelligibility. Since most justificatory liberals endorse some version of the requirement, abandoning accessibility presents justificatory liberalism with new paths of development. Without accessibility, public reason will lean towards “convergence” conceptions of public reason, where the task of implementing justice in the world is not primarily a matter of reasoning in common terms but of converging on a political order from distinct but reasonable points of view. Because public justification will require very few of citizens’ reasons to share common properties, more reasons will enter into public justification. Some of these reasons will defeat proposals that would have been endorsed under a more restrictive conception of public reasons. Accordingly, without accessibility, the opportunities for consensus decrease, while the opportunities for convergence increase. Abandoning the accessibility requirement will impel justificatory liberals to concern themselves with the shape of institutions and convergence on common proposals rather than regulating the structure of our common political dialogue. It will lead to a liberal political theory less concerned with what we say and more with what we do. Thus
something important hangs on whether the accessibility requirement is tenable: the nature of the public reason project itself.

---

1 This article is the end-product of many drafts and discussions over the last several years. I would particularly like to thank Gerald Gaus, Christopher Eberle, Chris Freiman and Nathan Ballantyne for reading several earlier drafts of the paper and providing extensive comments. Thom Brooks and two anonymous reviewers were of great assistance throughout the submission process. I am also grateful to Thomas Christiano, audience members of the 2007 Southwest Graduate Seminar and participants in the 2008 Arizona Dissertation Seminar for many helpful comments.


iii Many have advanced this criticism but I am only concerned with liberal critics. These liberals are typically concerned that justificatory liberals place restraints on citizens of faith that unduly burden citizens of faith.

iv It is important to qualify this. Robert Audi and John Rawls, two major justificatory liberals, argue that religious reasons are permissible *so long as they are accompanied by a suitably public reason*. For these two theorists, it is reliance on religious reasons *alone* that is impermissible. Cf. Robert Audi, *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press, 2000), pp. 86-100 and John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 247-254.
I should stress that accessibility is distinct from the criterion of acceptability defended in David Estlund, *Democracy Authority: A Philosophical Framework*, 40-64.


I use the terms ‘justificatory liberal’ and ‘justificatory liberalism’ interchangeably with ‘public reason liberal’ and ‘public reason liberalism’.


For a detailed outline of eight variations, see Eberle, *Religious Conviction in Liberal Politics*, pp. 252-286.


Abner Greene provides one example, analyzing religious reasons on a “secret box model”: “Imagine, for a moment, a group of citizens that has access to a box that contains evidence supporting a certain argument for a particular law. Suppose that group relies in the political process on the contents of that box but denies other citizens access to that box and its contents. We should exclude such shenanigans from politics because some citizens have access to the source of authority backing the law, while others are excluded from that source of authority … Express reference to religious doctrine … is the secret box model …” Abner Greene, ‘Uncommon


xiv Connecting a conception of an individual’s reasons to her subjective motivational set is usually connected with reasons internalism in metaethics, but a commitment to justificatory liberalism implies no such commitment.


xvii The idea of a “justificatory pool” is based on Marilyn Friedman’s idea of a “legitimation pool”, or the “pool of persons whose endorsement would confirm the legitimacy of Rawls’s political liberalism ….” Cf. Marilyn Friedman, “John Rawls and the Political Coercion of Unreasonable People” in Victoria Davon and Clark Wolf, eds., The Idea of a Political Liberalism: Essays on Rawls, 16.

xviii I thank an anonymous referee for pointing this out to me.

xix Audi develops a classification of religious reasons in Audi, Religious Commitment and Secular Reason, pp. 69-75.
Of course, this example has counterexamples. For now, I’m merely stipulating a definition of the notion of a religious commitment that is narrow enough for our purposes.

Some complain that religious reasons are ones that cannot be “shared”. I discuss shareability in Section V.


See Eberle, Religious Conviction in Liberal Politics, pp. 115-142 for a detailed discussion of these arguments.

Kent Greenawalt’s Private Consciences and Public Reasons, Michael Perry’s Love and Power, and Christopher Eberle’s Religious Conviction in Liberal Politics can all be seen as book length arguments to this effect.


Greenawalt, Private Consciences and Public Reasons, p. 120.


Audi stresses that natural reason is not essentially religious but can establish religious conclusions, such as that God exists. He is skeptical that it can be used to establish moral and political conclusions without appealing to revelation. He also stresses that his notion of natural reason does not depend on the metaphysical proposition that we could comprehend or discover natural reasons without the powers of God.” See Robert Audi, “Natural
I do not mean to imply that faith is irrational; I merely mean that natural theology does not rely on supernatural testimony, i.e. revelation. Audi expresses a similar position, arguing that restricting natural reason to theology is not meant to “imply any disrespect for theology.” Ibid, 167.

Audi argues that natural theology cannot establish any “specific moral and political standards” without appealing to a religious tradition. Ibid, 168.


Several theistic philosophers have maintained that the ensoulment hypothesis is one of the best ways to explain the “fact” that we have souls. See Swinburne, The Evolution of the Soul, pp. 174-199.

See Justin L. Barrett, Why Would Anyone Believe in God? (New York: Alta Mira Press, 2004) for an attempt to show that theistic belief is cognitively natural for humans.


Of course, philosophers like Judith Jarvis Thomson have argued that even if fetuses are persons, that abortion should still be permitted. But I assume that many reasonable persons will reject Thomson’s argument. See her famous, “A Defense of Abortion,” Philosophy and Public Affairs 1:1, 47-66.

John Locke makes one such argument, that an individual “has no liberty to destroy himself” because God has not authorized him to take such an action. John Locke, The Two Treatises of Civil Government, ed. Richard Ashcraft (London: Routledge Press, [1688] 1989), II.ii.5.

The arguments might also be defeated within the belief systems of those advancing the argument. If all religious rationales were so defeated, then they would not be admissible into public reason. I presume that not all of them will be, given the justificatory liberal commitment to reasonable pluralism.


Ibid, 167.

Ibid, 168.

Ibid, 169.

For Audi’s account of this idea, see his *Religious Commitment and Secular Reason* (Cambridge: Cambridge University Press, 2000), pp. 130-9.

For one criticism, see Christopher Eberle, *Religious Conviction and Liberal Politics*, 325-9.


See. ft. 36.


Christopher Eberle makes such an argument, drawing an analogy between justifications derived from morality and those derived from religious experience. He claim that neither moral nor religious rationales are subject to independent confirmation and that there is no non-circular argument on behalf of the reliability of religious experiences or moral rationales. Cf. Christopher Eberle, *Religious Conviction in Liberal Politics*, p. 245.

Recall Nagel’s words: “conflicts of religious faith fail this test [of common critical rationality], and more empirical and many moral disagreements do not.” Nagel, ‘Moral Conflict and Political Legitimacy’, p. 270.


An anonymous reviewer pointed out that classical liberal public reason liberals like Gerald Gaus may not mind this. For Gaus’s most recent statement of his position, see Gerald Gaus, “Coercion, Ownership, and the Redistributive State: Justificatory Liberalisms’s Classical Tilt,” unpublished.