

Review Essay: Consensus, Convergence, Restraint, and Religion^{*}

Paul Billingham

Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Oxford: Routledge, 2014), 286 pages. ISBN: 9780415737135 (hbk.). Hardback £90.00.

Much has been written on the relationship between public reason liberalism – currently the dominant theory of legitimacy with liberal political philosophy – and religious faith. Kevin Vallier’s book *Liberal Politics and Public Faith: Beyond Separation* is an important and original contribution to that debate.¹ It is essential reading for those interested in public reason and in the role of religion in politics, and will be a vital reference point for future work. Vallier boldly argues that mainstream public reason liberals have misunderstood the implications of the values underlying their theory. A proper appreciation of those ideals leads to a very different kind of public reason view, which is much more permissive with regard to religious influences in public life, and thus is able to resolve the ongoing disputes between public reason liberals and their critics. This claim, which is the central argument of the book, will be the focus of my discussion.

I will first review the objections to public reason liberalism that focus on its implications for religious citizens, and explain how Vallier’s version of the theory silences those objections. I will then offer two contrasting objections to Vallier. The first claims that his view should still include a duty of restraint, which is critic’s main target, while the second claims that mainstream public reason liberalism can also jettison the duty of restraint, and thus silence the religious critics. In Section 2 I consider the religious objections in more detail, and argue that there is a stalemate over their force, which reveals that the most

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¹ All page references in the main text are to this book.

important issue is what is the right understanding of public justification, independent of these objections. I examine Vallier's argument for his understanding of public justification in Section 3, and argue that the desiderata that Vallier appeals to are not as universally shared as he believes. Finally, Section 4 returns to the question of the acceptability of public reason liberal views to religious citizens. I argue that Vallier would need to directly engage with theology if he wanted to justify his claim that his view can prove attractive to those citizens.

1. Public Reason Liberalism and the Duty of Restraint

Critics have argued that public reason liberalism imposes an objectionable strain on the integrity of religious citizens, by requiring them to privatise their faith through its duty of restraint, which demands that citizens offer generally acceptable reasons within their political advocacy and refrain from supporting laws for which they have only religious reasons.² Further, public reason liberalism treats religious citizens unfairly in comparison to their secular compatriots, since the duty of restraint imposes greater burdens on the former than the latter.³ In response, public reason liberals have generally argued that the integrity objection is overblown, once we recognise the limited scope and domain of the duty of restraint.⁴ Further, even if this duty *affects* some more than others, this unequal impact does not constitute *unfairness*.

Vallier comes down on the side of the critics, arguing that their objections against the duty of restraint are forceful (pp. 57-72). However, while most take this as reason to *reject* public reason liberalism itself, Vallier argues that public religious faith can be *reconciled*

² Rawls's 'duty of civility' is a prominent example. John Rawls, *Political Liberalism*, expanded edition (New York: Columbia University Press, 2005), pp. 444-445.

³ For a classic statement of these objections, see Nicholas Wolterstorff, 'The Role of Religion in Decision and Discussion of Political Issues', in R. Audi and N. Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (London: Rowman & Littlefield, 1997), pp. 67-120.

⁴ For example, see Patrick Neal, 'Is Political Liberalism Hostile to Religion?', in S.P. Young (ed.), *Reflections on Rawls: An Assessment of his Legacy* (Farnham: Ashgate, 2009), pp. 153-175.

with public reason liberalism, because the best form of the view does *not* mandate restraint for ordinary citizens.

1.1. The Convergence View

According to Vallier, the master principle of public reason liberal theories is the Public Justification Principle:

“Public Justification Principle (PJP): A coercive law L is justified only if each member I of the public P has some sufficient reason(s) R_i to endorse L” (p. 24).

According to the mainstream public reason liberal view – the ‘consensus view’ – PJP is fulfilled when laws are justified by reasons that are accessible to, or shareable by, all reasonable citizens. If laws are to be justified to all citizens, then the reasons used to justify those laws must be such that all citizens can recognise their normative force, and must therefore meet an accessibility or shareability standard. Reasons that do not meet this standard are excluded from playing any role within public justification; such reasons are ‘non-public’. In turn, this ‘principle of exclusion’ justifies the duty of restraint. If laws can only be legitimately enacted when they are justified by accessible/shareable reasons then citizens are under a duty to provide such reasons within their public deliberation, and to refrain from supporting laws for which their only reasons are non-public. As Micah Schwartzman puts it, “when citizens engage in political advocacy, they have a moral duty to justify their decisions according to public reasons that others can reasonably accept.”⁵

Vallier calls this argument connecting PJP with the duty of restraint the consensus view’s ‘Master Argument’ (pp. 49-52). Religious critics have followed advocates of consensus public reason liberalism (henceforth ‘consensus PRL’) in assuming that the Master Argument is sound, and have therefore concluded that their rejection of the duty of restraint

⁵ Micah Schwartzman, ‘The Sincerity of Public Reason’, *The Journal of Political Philosophy* 19 (2011), pp. 375-398, at p. 375.

entails a rejection of PJP, and thus of public reason liberalism itself. The central argument of *Liberal Politics and Public Faith* is that this conclusion is mistaken, because the best interpretation of PJP generates ‘convergence public reason liberalism’ (henceforth ‘convergence PRL’), which does *not* entail a duty of restraint.

The distinctive claim of convergence PRL is that the justificatory reasons that enter into public justification need not be shareable by, or accessible to, all citizens. Instead, they merely need be *intelligible*. A’s reason R_A is intelligible when all citizens can recognise that R_A is justified to A according to A’s own evaluative standards (p. 106). Given reasonable pluralism of beliefs and values, citizens endorse a wide variety of evaluative standards, which are the norms they take to justify their reason affirmations. Citizens thus have diverse intelligible reasons. These unshared yet mutually intelligible reasons can all play a role within public justification, which is achieved when all citizens have sufficient intelligible reasons to endorse a law, fulfilling PJP.

In order to enter into public justification, citizens’ reasons must also be ones that they would hold under moderate idealisation of their belief-value sets (pp. 145-177). Idealisation is necessary in order to ensure that public justification is not held hostage to obvious epistemic mistakes. But Vallier argues that we should not *radically* update citizens’ belief-value sets by attributing to them full information and full rationality.⁶ We should merely correct for gross errors in reasoning, and ensure that citizens’ reasons are based on adequate information.

The upshot of this is that the full range of intelligible reasons that citizens affirm under moderate idealisation are relevant to public justification. This will include religious reasons. Citizens with religious beliefs, values, projects, and commitments have religious

⁶ Vallier considers this another distinctive feature of convergence PRL, because he believes that advocates of consensus PRL tend to endorse radical epistemic idealisation. I am less sure about this, and wonder if Vallier is misled here by his focus on Audi’s view. On my reading, most consensus PRL views use only moderate *epistemic* idealisation. As I discuss below, many involve more radical forms of *normative* idealisation.

reasons, many of which are intelligible to others and will be maintained under moderate idealisation. Such reasons can justify laws to those citizens, and can act as defeaters.

Convergence PRL's different standard of justificatory reasons entails a different principle of exclusion. Law-making bodies must only impose laws that all members of the public have sufficient intelligible reason to endorse. Vallier calls this the Principle of Intelligible Exclusion (p. 184).⁷ Further, Vallier argues that ordinary citizens do not have any duties of restraint. Since all of their intelligible reasons are included within public justification, they are permitted to offer all such reasons within their public deliberations and to support any laws they choose.

1.2. Convergence and Restraint

One might think, however, that convergence PRL *would* impose a duty of restraint, and one that is *stricter* than the consensus PRL duty: citizens should refrain from supporting any laws which they believe that some citizens lack sufficient intelligible reasons to accept. In other words, citizens should not support laws when they believe some of their compatriots possess intelligible defeaters. After all, such laws cannot be permissibly enacted. This duty would parallel the consensus PRL duty to refrain from supporting laws for which one has only non-public reasons.

Vallier rejects this strict duty, however, arguing that ordinary citizens need exercise no such restraint, given their minimal causal influence on legislative outcomes. The only reason to endorse the strict duty would be to prevent publicly unjustified laws from being enacted. Since an ordinary citizen's advocacy of a law makes next to no difference to the chances of that law being enacted, there is no warrant for the duty. Indeed, Vallier argues that

⁷ Note that this principle applies to *laws* rather than to *reasons*. This is in contrast to the consensus PRL principle of exclusion. Vallier calls this a distinction between 'reason restraint' and 'proposal restraint' (pp. 184-185).

it is more likely that publicly justified outcomes will be achieved if citizens are free to support any laws they desire, and to present any reasons that they believe can justify those laws to both themselves and others. This maximises the informative inputs into the political process and best enables institutions to generate publicly justified outcomes.⁸ Legislators and judges are under duties of restraint, due to their direct causal influence upon legal outcomes, but ordinary citizens are not (pp. 184-196).

Two objections to Vallier's argument arise at this point. The first is that he wrongly takes restraint's primary purpose to be instrumental. On Vallier's account, duties of restraint follow from principles of exclusion, as means to the end of fulfilling PJP.⁹ Some advocates of consensus PRL, however, believe that restraint is intrinsically justified, as part of what it means for citizens to display respect for one another as free and equal members of the political community. This ideal of respect underlies PJP, and also directly justifies restraint. Andrew Lister, for example, argues that the practice of appealing to shared reasons when justifying laws to one another *itself* constitutes citizens' relationships as relations of civic friendship.¹⁰ Lori Watson, in a review of Vallier's book, similarly suggests that principles of reciprocity and publicity, and thus the duty of restraint, are directly warranted by public reason's underlying values.¹¹ Vallier does briefly consider claims from Charles Larmore and Jonathan Quong that intrinsically connect public justification and restraint, but argues that there is a conceptual gap that they do little to bridge (pp. 35-36). Lister and Watson seek to bridge that gap.

⁸ Gerald Gaus and Kevin Vallier, 'The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions', *Philosophy & Social Criticism* 35 (2009), pp. 51-76, at pp. 65-70.

⁹ Vallier reiterates this in Kevin Vallier, 'Public Justification Versus Public Deliberation: The Case for Divorce', *Canadian Journal of Philosophy* 45 (2015), pp. 139-158.

¹⁰ Andrew Lister, *Public Reason and Political Community* (London: Bloomsbury Academic, 2013). For critique, see Paul Billingham, 'Does Political Community Require Public Reason? On Lister's Defence of Political Liberalism', *Politics, Philosophy & Economics* 15 (2016), pp. 20-41.

¹¹ Lori Watson, 'Review of Kevin Vallier *Liberal Politics and Public Faith: Beyond Separation*', *Notre Dame Philosophical Reviews* (September 2015). <<https://ndpr.nd.edu/news/60955-liberal-politics-and-public-faith-beyond-separation/>>.

This has two implications for Vallier's argument. First, it challenges the structure of the Master Argument that Vallier attributes to consensus PRL, by tying restraint more directly to PRL's underlying values. This might strengthen the argument for an accessibility or shareability standard of justificatory reasons, by showing that conformity to these standards within public deliberation is necessary in order for citizens to directly show respect to one another and/or achieve civic friendship, since this displays their commitment to the ideal of finding terms of cooperation that all can accept. Second, if restraint is intrinsically justified then this suggests that those attracted to the convergence view should endorse the strict duty of restraint. In order to directly show respect to their compatriots, citizens must refrain from supporting laws that they believe cannot be justified to those compatriots by their own intelligible reasons. This kind of restraint is required if citizens are to manifest their commitment to living under laws that are justified to all. This would be a damaging blow to Vallier's overall argument, since it would mean that citizens remain under the kinds of duties that his view was meant to remove. Vallier's focus on instrumental justifications of restraint make his argument against it incomplete; to conclusively show that restraint should be rejected, Vallier would have to demonstrate why intrinsic arguments for it fail.

The second objection points in the opposite direction. If Vallier is right to reject the duty of restraint within convergence PRL on the grounds that the duty serves no instrumental purpose then consensus public reason liberals can reject restraint on the same basis. Given their limited causal influence on outcomes, ordinary citizens need not offer accessible/shareable reasons for laws, and are permitted to support laws even when their only reasons for those laws are non-public. Only public officials and legislators need abide by the duty of restraint.¹² Consensus PRL can thus also be reconciled with public religious faith.

¹² This kind of view is endorsed by Cécile Laborde, 'Justificatory Secularism', in G. D'Costa, M. Evans, T. Modood, and J. Rivers (eds.), *Religion in a Liberal State* (Cambridge: Cambridge University Press, 2013), pp. 164-186; Richard North, 'Public Reason, Religious Restraint and Respect', *Philosophia* 40 (2012), pp. 179-193.

Vallier briefly considers this response. He calls an approach that requires ordinary citizens to restrain their activities the ‘direct approach’ and an approach that solely relies on institutional design and the actions of officials the ‘indirect approach’, and argues that the advantage of convergence is that it bypasses the debate between these two approaches, because convergence PRL would not impose integrity-threatening duties on citizens on either approach (pp. 128-129). Even under the direct approach, convergence PRL would only require citizens not to offer unintelligible reasons in public discourse, which is hardly a burden on their integrity and would apply to both religious and secular citizens. Convergence PRL thus cuts off the integrity and fairness objections at the root, rather than requiring the further step of endorsing the indirect over the direct approach.

This seems mistaken, however, since a direct approach convergence PRL could impose a strict duty of restraint, as I have already noted. I think Vallier is right to reject this duty. But in doing so he is endorsing the indirect approach, and this is something that advocates of consensus PRL can (and in my view should) also do. Indeed, they would do so for the same reasons as Vallier: because it silences the integrity and fairness objections and because ordinary citizens have little effect on legislative outcomes, such that it is “wrong to assume that the moral obligations of citizens track the justificatory conditions of political legitimacy”, as Richard North puts it.¹³ Thus, even if the integrity and fairness objections should be serious concerns for public reason liberals – as Vallier thinks they should – one can defuse them while still endorsing consensus PRL, by taking the indirect approach.¹⁴

¹³ North, ‘Public Reason’, p. 188.

¹⁴ This assumes, of course, that the integrity and fairness objections lack force when we are talking about those who occupy public positions. Vallier briefly defends this claim (p. 193).

2. The Stalemate over Integrity and Fairness

Not all advocates of consensus PRL will want to take this route. Some endorse the direct approach and see the duty of civility as a constitutive part of their view. Such versions of consensus PRL face the integrity and fairness objections. The force of those objections is unclear, however. If one is convinced that consensus PRL is the right answer to how citizens can respect one another as free and equal when exercising political power then it seems fairly easy to dismiss the objections. One can admit that there are costs here, but argue that they are overridden by the demands of freedom and equality. Vallier argues that the public reason liberal concern for integrity and justice makes the objections strong. But public reason liberals are willing for citizens to face some integrity costs and can see some inequalities of effect as just, if this is what is required by the core values of the theory.

Indeed, Vallier's own account demonstrates this point. Vallier develops the integrity and fairness objections in admirable detail (pp. 57-72). While these are familiar objections, they are often stated rather quickly and evaluated without being fully explicated. Vallier offers a sophisticated account of the objections, but in doing so he also shows that they are more difficult to sustain than might be first thought. Simple versions of the integrity objection can be dismissed on the grounds that all political arrangements impinge integrity to some degree, and not all forms of integrity are worth protecting anyway (think of the integrity of the thief). Simple versions of the fairness objection can be dismissed on the grounds that they appeal to an implausible notion of neutrality of effect. Vallier argues that a version of the fairness objection that does not appeal to simple neutrality of effect can be salvaged, and that a valuable form of integrity can be identified as under threat from the duty of restraint. But his version of the integrity argument rests on complex empirical claims concerning the necessary role that churches and religiously-based political advocacy play in enabling many

individuals to achieve realised citizenship.¹⁵ Consensus public reason liberals can deny that these claims would hold within a well-ordered society, where citizens would enjoy more avenues to realised citizenship. Vallier's version of the fairness objection, meanwhile, relies on a specific understanding of the kinds of foreseeable unequal burdens that raise concerns of fairness, which consensus public reason liberals can reject. *If* consensus PRL is mandated by the ideal of society as a fair scheme of cooperation between free and equal citizens then its advocates can sustain their view in the face of these objections.

I think this is why there is something of a stalemate over these 'religious objections'. Most of those pressing the objections believe them to be very strong, but this is largely because they are not attracted to PRL in the first place. They do not believe that fair cooperation among free and equals requires that laws be justified by reasons that all citizens can accept. Those who *do* believe this can fairly easily dismiss the objections, by admitting that they point to costs involved in consensus PRL but holding that these costs are outweighed by the great values underlying the view. The critics do not believe that those values justify PRL, and thus see the objections as strong. But the costs those objections point to fade in significance for those who believe that PRL is warranted by the values of freedom and equality. Hence the stalemate.

Given this, what matters most is what is the right understanding of PJP. Importantly, Vallier's discussion of that question and defence of the convergence view is separable from his discussion of the religious objections. Regardless of whether those objections succeed, Vallier argues that public reason liberals' foundational commitments should lead them to endorse an interpretation of PJP involving the intelligibility standard combined with moderate idealisation. In that sense, the core theoretical argument of the book is independent of the discussion of religion. If Vallier is right, then public reason liberals should endorse

¹⁵ Here Vallier draws on the central argument of Paul Weithman, *Religion and the Obligations of Citizenship* (Cambridge, Cambridge University Press, 2002).

convergence PRL on their own terms. This has the added benefit of silencing the religious objections, but that fact is not what justifies the convergence view. Consensus public reason liberals need to attend to Vallier's argument for convergence even if they dismiss the religious objections.¹⁶

3. Vallier's Argument for Convergence

Vallier argues that all public reason liberals (should) endorse two desiderata, which can be used to adjudicate between competing interpretations of PJP: respect for integrity and respect for reasonable pluralism. Public reason liberals should favour interpretations of PJP that better enable citizens to live integrated lives based on their core projects and commitments and that better preserve and accommodate the reasonable pluralism of beliefs, values, and evaluative standards present among the citizenry (pp. 85-90). Vallier argues that the intelligibility standard scores better than both accessibility and shareability on these desiderata (pp. 111-124).¹⁷ He further argues that moderate, rather than radical, epistemic idealisation is favoured by the desiderata (pp. 155-160).¹⁸ Public reason liberals should thus endorse the convergence view, on the basis of their own underlying values.

It is not clear, however, whether all public reason liberals endorse the desiderata that Vallier identifies, at least in the way that he specifies them. Take respect for reasonable pluralism. It is certainly true that the idea of reasonable pluralism is at the heart of all versions of public reason liberalism. But Vallier jumps too quickly from respect for reasonable pluralism to favouring interpretations of PJP that allow diverse reasons *to shape*

¹⁶ Or if they accommodate those objections, by taking the indirect approach.

¹⁷ Vallier also argues that accessibility and shareability should be rejected because they fail to achieve their aims anyway – they either exclude too many or too few reasons. His arguments here echo those of Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002), pp. 195-293.

¹⁸ Vallier also argues that radical idealisation is indeterminate, and perhaps even incoherent (pp. 151-55). Gerald Gaus makes similar claims, in his *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2011), pp. 235-244.

laws. Many public reason liberals would deny that we best respect reasonable pluralism by according public “justificatory force to more reasons that citizens themselves assign justificatory force” (p. 112). Instead, we respect reasonable pluralism by basing our common life on reasons that *all* can accept, or appreciate as having justificatory force for themselves. In other words, respect for reasonable pluralism does not require that our standard of public justificatory reasons is as inclusive as possible, and thus does not favour convergence over consensus.

Further, some public reason liberals understand the idea of reasonable pluralism itself differently to Vallier. As Watson points out, Vallier seems to assume that reasonable pluralism is “a kind of natural fact about the world”,¹⁹ to which political philosophy must respond. Some Rawlsian public reason liberals, however, consider ‘the fact of reasonable pluralism’ to specifically refer to the diversity of comprehensive doctrines that inevitably exists within a well-ordered society, arising “within the framework of the free institutions of a constitutional regime.”²⁰ Reasonable pluralism is “a consequence of liberalism itself.”²¹ This means that certain normative presuppositions are already built into the ‘reasonableness’ of this pluralism – including the idea that political life consists of free and equals citizens seeking terms of cooperation that all can accept on the basis of their shared commitment to basic liberal values. This view, which Quong calls the ‘internal conception’ of PRL, is becoming increasingly popular.²²

The internal conception builds endorsement of shared political values and their priority into its understanding of ‘reasonableness’, and thus of reasonable pluralism. It is the diversity of comprehensive doctrines held by citizens who are reasonable *in this sense* that has normative importance, not the full range of pluralism we see in current real-life societies.

¹⁹ Watson, ‘Review of Kevin Vallier’.

²⁰ Rawls, *Political Liberalism*, p. xvi.

²¹ Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011), p. 139.

²² For a precursor, see Burton Dreben, ‘On Rawls and Political Liberalism’, in S. Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), pp. 316-346.

Respect for reasonable pluralism therefore does not favour convergence PRL over consensus PRL, since this pluralism is already defined in reference to consensus PRL's core ideas.

This also has implications for Vallier's integrity desideratum, since advocates of the internal conception are not concerned with ensuring that all citizens can live consistently with all of their core values and commitments. They are concerned with ensuring the integrity of 'reasonable' citizens, who already accept the need for justification in terms that all can accept, and are committed to prioritising political values. The integrity of *these* citizens is not threatened by consensus PRL, since they are already committed to the core ideas and values that underlie that view.²³

Vallier would forcefully object to the internal conception. It claims to accommodate reasonable pluralism and ensure that political power is justified to all reasonable citizens, but then defines reasonableness in such a way that all of the interesting normative questions are settled in advance. The claim that all citizens who are defined as accepting particular Rawlsian interpretations of freedom, equality, and fairness can live under terms of cooperation that all accept because they are grounded in those same values does not seem particularly enlightening. Indeed, Vallier has argued that the internal conception is just as objectionably 'sectarian' as perfectionist views.²⁴ In order to remain a distinct and attractive position, public reason liberals must be concerned with respecting real-world diverse viewpoints.²⁵

I find this objection persuasive. Nonetheless, the general point here is that Vallier's two desiderata are not independent of a prior conception of public justification. Vallier takes

²³ For this kind of response to the integrity objection, see Jonathan Quong, 'What Do Citizens Need to Share? Citizenship as Reasonableness', in D. Laycock (ed.), *Representation and Democratic Theory* (Vancouver: UBC Press, 2004), pp. 141-158, at pp. 150-155; Mark Jensen, 'The Integralist Objection to Political Liberalism', *Social Theory and Practice* 31 (2005), pp. 157-171.

²⁴ Kevin Vallier, 'On Jonathan Quong's Sectarian Political Liberalism', *Criminal Law and Philosophy* (forthcoming). See also Gerald Gaus, 'Sectarianism Without Perfection? Quong's Political Liberalism', *Philosophy and Public Issues (New Series)* 2 (2012), pp. 7-15.

²⁵ Vallier would further claim that the internal conception is not a faithful interpretation of Rawls. For Vallier's interpretations of Rawls, see pp. 13-21, 130-131, 159-160.

himself to have identified two desiderata that unite all public reason liberals, such that they can be used to adjudicate between different interpretations of PJP. In reality, however, different versions of PRL conceptualise these desiderata themselves differently. Theorists' prior views about public justification shape their understanding of the desiderata. This casts doubt on the idea that there is a shared understanding of the desiderata that can perform the desired adjudicating function.

In other words, Vallier's argumentative strategy might not be as internal to public reason liberalism as he supposes. Watson claims that "Vallier fails to appreciate how distinct his project is from the Rawlsian project, and so his view isn't a direct challenge to political liberalism but rather a different way of conceiving the project of liberalism."²⁶ While some advocates of consensus PRL might understand the structure of public reason liberalism and the values that underlie it in the way that Vallier articulates, many do not, and would therefore be unmoved by his arguments that convergence PRL better interprets and respects those values.

To be clear, this does not amount to an objection to convergence PRL. Convergence might well be superior to consensus PRL as an account of how citizens can live together as free and equal under laws that are justified to all. Indeed, I have sympathies with Vallier's view. Nevertheless, it seems to me that the consensus and convergence views are better understood as distinct and competing liberal theories, rather than as two versions of some shared theory called 'public reason liberalism'.

I also do not want to suggest that Vallier has not presented important challenges to consensus PRL. The problems he identifies with the accessibility and shareability standards are compelling (pp. 111-124).²⁷ Many consensus theorists explain their view using vague appeals to 'reasons that all citizens can accept' or 'reasons that all citizens recognise as

²⁶ Watson, 'Review of Kevin Vallier'.

²⁷ See fn. 17, above.

having normative force', without explaining what those reasons are or how they come to have these special epistemic properties. Vallier shows that several ways of specifying these ideas face grave difficulties, to which consensus public reason liberals have not offered adequate responses.

4. The Question of Acceptability to Religious Citizens

Vallier argues that convergence PRL, unlike consensus PRL, can be accepted by religious believers, since it defuses the integrity and fairness objections, which are strong enough to give believers decisive reason to reject the consensus view. I have noted three ways that consensus public reason liberals might respond to these objections. First, by taking the indirect approach, and so rejecting the duty of restraint. Second, by arguing that the integrity and fairness costs are outweighed by the important values underlying consensus PRL. Third, by conceptualising reasonable citizens such that they by definition endorse the duty of restraint, and do not consider it to be a burden on their integrity.

There is another aspect to Vallier's argument here, however, which can be seen in his discussions of religious establishment (pp. 199-204), exemptions (pp. 204-217), and public education (pp. 225-251). In each case, Vallier argues that convergence PRL is "far friendlier to religious citizens" (p. 251) than consensus PRL. Convergence PRL reconciles liberalism and public faith due to its *outcomes* as well as due to rejecting the duty of restraint. The basic reason for this is straightforward: convergence allows religious reasons to play a direct role within public justification, and in particular to act as defeaters for laws. Laws for which religious citizens have intelligible defeaters cannot be permissibly imposed upon them. Vallier's approach thus leads to many more legal exemptions being granted.²⁸ Vallier further argues that only an educational voucher system, where schooling is publicly funded but

²⁸ See further Kevin Vallier, 'The Moral Basis of Religious Exemptions', *Law and Philosophy* 35 (2016), pp. 1-28.

privately provided, is publicly justified. This result is friendlier to religious parents, since it defuses their concerns about public school curricula.²⁹

Vallier's arguments do not establish that religious citizens can or will accept his convergence view, however. Convergence liberalism is accommodating of religion in public life, but it is still an open question whether religious citizens will actually be attracted to the view. Showing that their integrity as believers is better maintained than under consensus PRL does not show that they will consider convergence PRL attractive. There are two reasons for this. First, the implications of convergence might not be as appealing to religious citizens as Vallier implies. Second, believers might have theological reasons to reject the theory itself. I will consider these points in turn.

Convergence PRL is something of a double-edged sword for religious citizens. It promises greater protection of their religious commitments. But it also is likely to deem illegitimate some laws that religious citizens believe would promote justice and the common good, since laws are ruled out whenever other citizens have intelligible defeaters for them.³⁰ Indeed, it is likely that some laws favoured by religious citizens would be permissibly enactable under consensus PRL, because generally accessible reasons can be presented in their favour, but could not be enacted under convergence PRL, because some citizens have defeaters. It is therefore not obvious that the overall shape of the legal system would be more appealing to religious believers under convergence than under consensus.³¹ Some might even hold that their religious integrity includes living under laws that reflect their values and

²⁹ Vallier in particular discusses the controversy over the teaching of evolution and intelligent design (pp. 232-241).

³⁰ This is also the concern that Rawlsians have regarding convergence PRL's outcomes: laws required by justice might not be permissibly enactable.

³¹ See Andrew Lister, 'Public Justification of What? Coercion Vs. Decision as Competing Frames for the Basic Principle of Justificatory Liberalism', *Public Affairs Quarterly* 24 (2011), pp. 349-367, at pp. 361-362.

having the ability to shape the polity in ways that reflect true justice.³² Convergence PRL makes this harder.

Vallier would deny that there is any *integrity* concern here (p. 127). Religious citizens might believe that some goods are lost by the fact that legal outcomes are further from what they see as true justice or the common good, but this cannot be seen as a violation of their integrity. This reply clearly depends on Vallier's understanding of integrity. Vallier defines integrity as being true to one's character, projects, plans and beliefs (p. 57), but he rules out the possibility that being able to shape laws in ways that reflect one's values even when others' reject those laws can be part of integrity. A wider notion of integrity as involving one's social world conforming to one's ideals is ruled out. Vallier is probably right to restrict integrity in this way; the wider notion seems to be incompatible with reasonable pluralism, and thus not something that public reason liberals should value. But this shows that Vallier's claim that his theory best protects religious citizens' integrity rests on a substantive view of what kinds of integrity matter – even if some religious citizens hold a different view. As I have already noted, Vallier's own conception of integrity is rejected by some consensus public reason liberals, who would not consider the integrity involved in failing to prioritise political values by supporting laws for which one lacks generally accessible reasons to be valuable. Such consensus theorists can dismiss the standard integrity objection by denying that a normatively relevant ideal of integrity is being invoked. Vallier makes a similar move with regard to any broader notion of integrity.

There is also a second reason that religious believers might not be attracted to convergence liberalism: they might reject its positive account of political authority and legitimacy. Many might consider convergence PRL to be too preoccupied with individual autonomy, deferential to individual moral judgments, and restrictive in the authority that it

³² See Giulia Bistagnino, 'Book Review: Kevin Vallier, *Liberal Politics and Public Faith. Beyond Separation*', *Ethical Theory and Moral Practice* 18 (2015), pp. 1107-1109.

grants to political leaders – to the extent that it prevents rulers from fulfilling their God-given mandate of enacting justice and creating the conditions for social flourishing. Whether or not this is the case will depend on believers’ political theology – on their theologically-grounded account of the role of political authorities. If we care about whether religious citizens can accept a theory, then we need to engage with theology, rather than merely pointing to the lessening of integrity costs. For example, if Vallier wants to establish that convergence PRL is compatible with Christian theology then he needs to engage with the work of influential theologians such as Nicholas Wolterstorff, Oliver O’Donovan, John Finnis, and Stanley Hauerwas.³³

Imagine that it turned out that most religious citizens rejected convergence PRL, viewing its conception of political authority as incompatible with their theology. What would the implications be for convergence PRL? Possibly none at all. The soundness of the view does not depend on it being assented to by citizens. Further, Vallier is clear that in his view endorsement of convergence PRL is not a criterion for reasonableness (p. 178, fn. 5). Religious citizens are therefore part of the justificatory constituency, such that their intelligible reasons count within public justification, even if they reject convergence PRL. In this sense, advocates of convergence PRL might well have *less* reason to be concerned about the acceptability of their view to religious citizens than do advocates of consensus PRL. As I have already noted, consensus theorists often hold that endorsement of consensus PRL itself is a criterion for reasonableness.³⁴ Thus, if most religious citizens reject the view then they

³³ Nicholas Wolterstorff, *The Mighty and The Almighty: An Essay in Political Theology* (Cambridge: Cambridge University Press, 2012); Oliver O’Donovan, *The Ways of Judgment* (Grand Rapids, Mich.: W.B. Eerdmans, 2005); John Finnis, *Religion and Public Reasons: Collected Essays Volume V* (Oxford: Oxford University Press, 2011); Stanley Hauerwas and William H. Willimon, *Resident Aliens: Life in the Christian Colony* (Nashville: Abingdon Press, 1989). Of course, the views of many ordinary religious believers probably do not map neatly onto positions in academic theology. Engaging with academic theology is nonetheless an important starting point.

³⁴ See David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton, N.J.: Princeton University Press, 2008), pp. 53-61; Quong, *Liberalism Without Perfection*, pp. 37-39; Lister, *Public Reason*, pp. 127-128.

are deemed unreasonable, and not part of the justificatory constituency. This seems an unhappy result for a theory that purports to show how citizens within pluralistic societies can live together under laws justified to all. This result is not a threat to convergence PRL, given that endorsement of the view is not a criterion for reasonableness. It is therefore not clear how concerned Vallier actually *needs* to be with the acceptability of his theory to the religious. Vallier believes that his theory is correct, based on public reason liberalism's foundational commitments. And he thinks that its implications for religious citizens are less objectionable in the eyes of those citizens than are the implications of consensus PRL, and that this is a good thing. But it is not clear whether the actual acceptability of the theory to religious citizens need matter for convergence theorists.

To the extent that this *does* matter, however, it should lead to an engagement with theology. And it is clear that it does matter to Vallier. Vallier opens his book by reflecting on the culture wars, and expressing his desire to develop a form of liberalism that can overcome the perceptions of “many citizens of faith” that liberalism is “a threat to their most sacred forms of life”, and that can “prove attractive to citizens who believe that their religious convictions have a proper place in the public sphere” (p. 2). Later, he explicitly says that his purpose in discussing issues such as religious exemptions and public education is “to show that religious objectors should find the convergence view attractive” (p. 196). Showing that this is the case with regard to the theory itself, rather than merely some of its implications, however, would require a closer engagement with actual religious thought. Only interaction with theology could allow us to ascertain which varieties of public reason liberalism, if any,

are actually compatible with religious views.³⁵ Perhaps this is work that Vallier intends to undertake in the future.³⁶

Paul Billingham
Christ Church, University of Oxford
paul.billingham@chch.ox.ac.uk

³⁵ For a study of the compatibility of public reason liberalism with Islam, see Andrew March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (New York: Oxford University Press, 2009).

³⁶ I owe thanks to Anthony Taylor and Kevin Vallier for helpful comments on earlier drafts of this essay.